

THURSDAY, MARCH 27, 1986

EIGHTY-FOURTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Reverend Fred Davis, Ewtonville Baptist Church, Dunlap, Tennessee.

Representative Rhinehart led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present . . . . . 95

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

The Speaker announced that Representative Gafford was excused because of business.

The Speaker announced that Representative Ridgeway was excused because of illness.

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**MESSAGE FROM THE GOVERNOR**

**MR. SPEAKER:**

I am directed by the Governor to return herewith: House Bills Nos. 1142, 1216, 1225, 1231, 1289, 1304, 1350, 1359, 1376, 1379, 1381, 1384, 1409, 1528, 1559, 1631, 1739, 1874, 1974, 1988, 1989, 1996, 1998, 2006 and 2008; and House Joint Resolutions Nos. 437, 551, 552, 553, 554, 555, 556, 558, 559, 563, 564, 565, 566, 568, 569, 570, 571, 590, 591 and 604, with his approval.

**WILLIAM H. INMAN,**  
Counsel to the Governor.

**ENROLLED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 333, 1375, 1448, 1510, 1511, 1526, 1595, 1622, 1635, 1662, 1818, 1820, 1982 and 2022; House Resolution No. 121; and House Joint Resolutions Nos. 587, 588 and 589; and find same correctly enrolled and ready for the signatures of the Speakers.

**MARILYN EVELYN HAND,**  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: House Bills Nos. 333, 1375, 1448, 1510, 1511, 1526, 1595, 1622, 1635, 1662, 1818, 1820, 1982 and 2022; House Joint Resolutions Nos. 587, 588 and 589; and House Resolution No. 121.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to request the return of Senate Bill No. 1438, for further consideration.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

On motion, Senate Bill No. 1438 was returned to the Senate as requested.

**MESSAGE FROM THE GOVERNOR**

**TO: BRYANT MILLSAPS**

**FROM: WILLIAM H. INMAN**  
Counsel to the Governor

**RE: HOUSE BILL 2000**

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I am returning House Bill 2000 per your request.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to request the return of House Bill No. 2000, for further consideration.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.:

2022--To regulate Gibson County Special School District; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 1183, 1204, 1288, 1297, 1331, 1392, 1403, 1415, 1498, 1512, 1555, 1685, 1695, 1701 and 1889; also, House Joint Resolutions Nos. 572, 573, 574, 575, 576, 577, 578, 581, 582, 583, 586, 593 and 611; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1340--To regulate loans, Student Assistance Corporation;

1636--To enact Retail Food Store Inspection Act;

1637--To enact Seed Law;

1720--To make certain provisions, uninsured coverage;

1798--To regulate management of Reelfoot Lake;

1916--To regulate licensing, health professionals; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

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**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bills Nos.:

1489--To regulate enforcement, child support;

1686--To regulate health clubs;

1773--To provide service credit, certain local government employees, Consolidated Retirement System;

1816--To provide appointment, Tennessee Association of Home Health;

1831--To provide purchase, certain insurance, local education;

1837--To enact Volunteer Higher Education Trust Fund Act;

1839--To regulate hazardous wastes and substances;

1857--To require provisions, certain health and accident insurance policies;

1879--To define prostitution;

1890--To regulate certain health facilities;

1900--To regulate communications psychiatrist and patient;

1958--To provide forfeiture real property, certain controlled substances;

1965--To amend Comprehensive Education Reform Act; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am direct to transmit to the House, Senate Joint Resolution No.:

313--Relative to honoring Coach Dana Kirk and boys' basketball team; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bill

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Nos.:

1396--To set penalty, distribution of obscene materials;

1525--To prohibit sale of smokeless tobacco products to minors;

1582--To prohibit cancellation, certain commercial risk insurance; all substituted for Senate Bills on same subject, all amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 374, 1042, 1139, 1159, 1178, 1186, 1216, 1264, 1269, 1284, 1329, 1343, 1370, 1392, 1394, 1444, 1452, 1485, 1491, 1508, 1511, 1565, 1577, 1594, 1751 and 2023; also Senate Joint Resolutions Nos. 204, 287, 288, 290, 293, 294, 295, 298 and 307; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**SIGNED**

The Speaker announced that he had signed the following: Senate Bills Nos. 374, 1042, 1139, 1159, 1178, 1186, 1216, 1264, 1269, 1284, 1329, 1343, 1370, 1392, 1394, 1444, 1452, 1485, 1491, 1508, 1511, 1565, 1577, 1594, 1751 and 2023; and Senate Joint Resolutions Nos. 204, 287, 288, 290, 293, 294, 295, 298 and 307.

Mr. Scruggs moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 633 out of order, which motion prevailed.

House Joint Resolution No. 633--Relative to expressing appreciation, Jane Huey Lee--By Scruggs.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Scruggs, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Stallings moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 634 out of order, which motion prevailed.

House Joint Resolution No. 634--Relative to congratulating Mrs. Mel Bruce--By Stallings and Tankersley.

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On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Stallings, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Hobbs moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 628 out of order, which motion prevailed.

House Joint Resolution No. 628--Relative to commending the Bill Rice Ranch camping ministry--By Hobbs and Turner (Hamilton).

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Hobbs, the resolution was adopted.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.:

598--Relative to commending Dr. Robert Riggs;

599--Relative to honoring Judge Marshall S. Stuart; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1365--To provide for elections, certain municipalities;

1659--To make certain provisions, absentee ballots;

1674--To include certain employees, consolidated retirement system;

2005--To change definition of subdivision, Marion County; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

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**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1504--To regulate firearms and ammunition;

1694--To increase salaries, district attorneys general; both substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

316--Relative to congratulating Christian Brothers High School cheerleaders; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.:

1841--To regulate sales and use taxes, certain tourist resorts; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**CALENDAR**

House Bill No. 1785--To regulate operation of cemeteries.

Mr. Bragg moved that House Bill No. 1785 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	93
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey,

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McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

House Bill No. 1781--To make certain provisions, hazardous wastes.

On motion, House Bill No. 1781 was made to conform with Senate Bill No. 1839.

On motion, Senate Bill No. 1839, on same subject, was substituted for House Bill No. 1781.

Mr. Moore moved that Senate Bill No. 1839 be passed on third and final consideration.

Mr. Napier moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 1839 by adding a new section as follows:

The provisions of this Act amending T.C.A. Section 68-46-108 shall not apply to any facility currently operating under authorization of the Commissioner.

Mr. Moore moved that Amendment No. 1 be tabled.

Mr. Moore moved that Senate Bill No. 1839 be placed on the Calendar for Monday, March 31, 1986, which motion prevailed.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

House Bill No. 1880--To amend County Financial Management System Act.

On motion, House Bill No. 1880 was made to conform with Senate Bill No. 1871.

On motion, Senate Bill No. 1871, on same subject, was substituted for House Bill No. 1880.

Mr. Cross moved that Senate Bill No. 1871 be passed on third and final consideration, which motion prevailed by the following vote:



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Ayes . . . . .	96
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

House Bill No. 1634--To provide retirement benefits, certain local government employees.

On motion, House Bill No. 1634 was made to conform with Senate Bill No. 1773.

On motion, Senate Bill No. 1773, on same subject, was substituted for House Bill No. 1634.

Mr. Cross moved that Senate Bill No. 1773 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 1773 by deleting Section 1 in its entirety and substituting the following:

**SECTION 1.** Tennessee Code Annotated, Title 8, Chapter 35, Part 2, is amended by adding the following as a new section:

(a) Notwithstanding any provision of the law to the contrary, members of county boards, commissions, committees, councils, and the like, by whatever name known, who are elected by popular vote, from within counties with a population of not less than thirty-four thousand eight hundred (34,800) nor more than thirty-four thousand nine hundred (34,900) according to the 1980 Federal census or any subsequent census, whose duties are performed intermittently or periodically for the purpose of fixing rates, issuance of permits or licenses, regulating trades or professions, or serve in an advisory, study or planning capacity and the

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like, shall be eligible for membership in the Tennessee Consolidated Retirement System at the option of the chief legislative body upon satisfying the provisions of the following subsections:

(1) The chief legislative body of the city or county shall pass a resolution authorizing an actuarial study to determine the liability associated with such membership and prior service, and accepting responsibility for the costs of such study; and

(2) Following receipt of the actuarial study and within 180 days of the effective date of this act, the city or county shall adopt a resolution approved by a two-thirds (2/3) majority of the chief legislative body authorizing membership and prior service for such employees and accepting the liability therefor; and

(3) An employee establishing such prior service must make a lump sum payment equal to the employee contributions he would have made had he been a member plus interest at the rate provided in Tennessee Code Annotated, Section 8-37-214. This employee lump sum payment must be made by June 30, 1987.

(4) Notwithstanding any provision of the law to the contrary, retirement benefits payable on service established pursuant to this act shall be computed in accordance with the provisions of Title 8 Chapter 36. Provided however, in no event shall the benefit payable on such service exceed that provided under 8-36-209(a) (1)(A) or (B), dependent upon which option is exercised by the chief legislative body and provided further that such benefit is subject to the limitations of 8-36-102.

Mr. Brewer moved that Amendment No. 1 be tabled, which motion failed.

Mr. Rhinehart moved that Senate Bill No. 1773 be re-referred to the Committee on Finance, Ways and Means.

Mr. Crain moved that the motion be tabled, which motion failed by the following vote:

Ayes . . . . .	27
Noes . . . . .	52
Present and not voting . . . . .	6

Representatives voting aye were: Brewer, Buck, Burnett, Byrd, Clark (Sumner), Crain, Cross, Davis (Gibson), Davis (Knox), DeBerry, Dills, Henry, Hillis, Hobbs, Ivy, Jones, Kernell, King, McCroskey, Murray, Nance, Napier, Peroulas, Severance, Shirley, Wheeler and Winningham--27.

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Representatives voting no were: Bell, Bewley, Bivens, Bragg, Cobb, Copeland, Curlee, Davidson, Davis (Cocke), Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Hurley, Huskey, Jared, Kent, Kisber, Lawson, May, McNally, Montgomery, Moody, Moore, Murphy, Naifeh, Patterson, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Stafford, Stallings, Tanner, Turner, L. (Shelby), Ussery, Webb, West, Williams, Wix, Wolfe Wood and Work--52.

Representatives present and not voting were: Clark (Davidson), Covington, McAfee, Miller, Whitson and Yelton--6.

Thereupon, the motion to re-refer Senate Bill No. 1773 to the Committee on Finance, Ways and Means prevailed by the following vote:

Ayes . . . . .	62
Noes . . . . .	21
Present and not voting . . . . .	4

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Curlee, Darnell, Davidson, Davis (Gibson), DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Hillis, Hobbs, Jared, Jones, Kent, King, Lawson, May, McAfee, McNally, Montgomery, Moody, Moore, Naifeh, Napier, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Ussery, Webb, West, Williams, Wolfe, Wood, Work, Yelton--62.

Representatives voting no were: Buck, Burnett, Byrd, Collier, Crain, Cross, Davis (Knox), Dillis, Henry, Hurley, Ivy, Kisber, McCroskey, Miller, Murray, Nance, Patterson, Peroulas, Shirley, Turner, L. (Shelby), Wheeler and Winningham--22.

Representatives present and not voting were: DeBerry, Love, Whitson and Wix--4.

Mr. Byrd moved that House Bill No. 1295 be placed on the Calendar for Monday, March 31, 1986, which motion prevailed.

House Bill No. 1752--To authorize slum clearance, certain municipalities.

On motion, House Bill No. 1752 was made to conform with Senate Bill No. 1326.

On motion, Senate Bill No. 1326, on same subject, was substituted for House Bill No. 1752.

Mr. Crain moved that Senate Bill No. 1326 be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes . . . . .	92
Noes . . . . .	0
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

Representative present and not voting was: Drew--1.

A motion to reconsider was tabled.

House Bill No. 1640--To grant immunity from suit governmental entity boards.

On motion, House Bill No. 1640 was made to conform with Senate Bill No. 1702.

On motion, Senate Bill No. 1702, on same subject, was substituted for House Bill No. 1640.

Mr. Starnes moved that Senate Bill No. 1702 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 1702 by adding the following new Section 3 and by renumbering subsequent sections accordingly:

**SECTION 3.** Notwithstanding the foregoing provisions, the immunity provided by this act is not applicable to the members of boards, commissions, agencies, authorities and other governing bodies of any governmental entity, created by public or private act, whether compensated or not, unless such board, commission, agency, authority, or other governing body of any governmental entity insures or establishes financial responsibility with the Commissioner of Commerce and Insurance in an amount not less than that established in claims against the State of Tennessee.

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Mr. Starnes moved that Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes . . . . .	68
Noes . . . . .	9
Present and not voting . . . . .	5

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Byrd, Clark (Davidson), Clark (Sumner), Copeland, Covington, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Frensley, Gaia, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, King, Kisber, May, McCroskey, McNally, Miller, Moore, Murray, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tanner, Turner (Hamilton), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wood and Work--68.

Representatives voting no were: Buck, Chiles, Cobb, Dills, Lawson, Moody, Murphy, Turner, C. (Shelby) and Wolfe--9.

Representatives present and not voting were: Burnett, Montgomery, Nance, Turner, L. (Shelby) and Yelton--5.

Thereupon, Senate Bill No. 1702, passed its third and final consideration by the following vote:

Ayes . . . . .	95
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

Mr. Speaker McWherter resumed the Chair.

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**FURTHER CONSIDERATION OF SENATE BILL NO. 790**

Senate Bill No. 790--To regulate use, safety restraint devices, motor vehicles.

Mr. Robinson (Davidson) requested a ruling from the Speaker as to whether or not Senate Bill No. 790 is properly before the House.

**RULING OF SPEAKER**

The Speaker ruled that based upon the opinion from the Attorney General, Senate Bill No. 790 is properly before this House.

Mr. Robinson (Davidson) moved that the House rescind its earlier action on Senate Bill No. 790.

Mr. Rhinehart moved that the House sustain the ruling of the chair.

Mr. Davidson moved that the motion to sustain be tabled.

Mr. Davidson withdrew his motion to table.

Mr. Rhinehart withdrew his motion.

Mr. Robinson (Davidson) withdrew his motion.

Mr. Rhinehart renewed his motion to sustain the ruling of the chair.

Ms. DeBerry moved that the House stand in recess for 5 minutes, which motion failed by the following vote:

Ayes . . . . .	25
Noes . . . . .	62
Present and not voting . . . . .	1

Representatives voting aye were: Bragg, Brewer, Burnett, Clark (Davidson), Dixon, Drew, Ellis, Gaia, Hillis, Jones, King, Kisber, Lawson, Miller, Moore, Naifeh, Pruitt, Robinson (Hamilton), Stallings, Starnes, Tanner, Turner, L. (Shelby), Williams, Wix, Wolfe--25.

Representatives voting no were: Bell, Bewley, Bivens, Buck, Byrd, Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Duer, Frensley, Garrett, Gill, Hassell, Hawkins, Henry, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, May, McAfee, McCroskey, McNally, Montgomery, Moody, Murphy, Murray, Nance, Napier, Peroulas, Phillips, Rhinehart, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Swann, Tankersley, Turner, B. (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Winningham, Wood and Yelton--62.

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Representative present and not voting was: Patterson--1.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

Mr. Jared moved that Mr. Rhinehart's motion to sustain be tabled, which motion failed by the following vote:

Ayes . . . . .	35
Noes . . . . .	52
Present and not voting . . . . .	8

Representatives voting aye were: Bell, Chiles, Clark (Davidson), Copeland, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Duer, Garrett, Harrill, Hillis, Hobbs, Ivy, Jared, Kisber, McAfee, Miller, Murray, Pruitt, Rhinehart, Robinson (Washington), Stafford, Starnes, Tankersley, Tanner, Winningham, Wolfe, Wood and Work--35.

Representatives voting no were: Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Clark (Sumner), Cobb, Collier, Covington, Crain, Dills, Dixon, Drew, Ellis, Frensley, Gaia, Gill, Hassell, Hawkins, Henry, Hurley, Huskey, Jones, Kent, Kernell, King, Love, May, McCroskey, McNally, Montgomery, Murphy, Napier, Patterson, Peroulas, Phillips, Robinson (Davidson), Scruggs, Severance, Stallings, Turner, B. (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix and Yelton--52.

Representatives present and not voting were: Brewer, Lawson, Moody, Moore, Nance, Robinson (Hamilton), Shirley and Swann--8.

Thereupon, the motion to sustain the ruling of the Chair prevailed by the following vote:

Ayes . . . . .	63
Noes . . . . .	23
Present and not voting . . . . .	7

Representatives voting aye were: Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Darnell, Davis (Gibson), Dills, Dixon, Drew, Ellis, Frensley, Gaia, Gill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Love, May, McCroskey, McNally, Montgomery, Murphy, Naifeh, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams and Yelton--63.

Representatives voting no were: Bell, Chiles, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), Duer, Harrill, Hawkins, Kisber, Lawson, McAfee, Miller, Murray, Stafford, Swann, Tankersley, Tanner, Winningham, Wolfe and Wood--23.

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Representatives present and not voting were: DeBerry, Moody, Moore, Nance, Robinson (Hamilton), Shirley and Wix--7.

Mr. Robinson (Davidson) moved that the House rescind its previous action on Senate Bill No. 790.

Mr. Ivy moved that the motion be tabled, which motion failed by the following vote:

Ayes . . . . .	42
Noes . . . . .	54

Representatives voting aye were: Bell, Chiles, Cobb, Copeland, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Duer, Garrett, Harrill, Hawkins, Hillis, Hobbs, Ivy, Kisber, Lawson, McAfee, Moody, Moore, Murray, Phillips, Pruitt, Rhinehart, Robinson (Hamilton), Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Winningham, Wix, Wolfe, Wood and Work--42.

Representatives voting no were: Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Collier, Covington, Crain, Dills, Dixon, Drew, Ellis, Frensley, Gaia, Gill, Hassell, Henry, Hurley, Huskey, Jared, Jones, Kent, Kernell, King, Love, May, McCroskey, McNally, Miller, Montgomery, Murphy, Naifeh, Nance, Napier, Patterson, Peroulas, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Turner, B. (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams and Yelton--54.

Upon inquiry, the Speaker stated that a motion to rescind is not a part of the House Rules.

Mr. Copeland requested a ruling on Roberts Rules of Order definition of "rescind" since the House Rules are silent of this matter.

Mr. Speaker McWherter requested that Senate Bill No. 790 be moved down 10 places on the Calendar.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

House Bill No. 1725--To regulate transfer of patients between hospitals.

On motion, House Bill No. 1725 was made to conform with Senate Bill No. 1410.

On motion, Senate Bill No. 1410, on same subject, was substituted for House Bill No. 1725.



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Mr. Dixon moved that Senate Bill No. 1410 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . . 93  
Noes . . . . . 0

Representatives voting aye were: Bell, Bewley, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

Mr. Severance moved that House Bill No. 685 be placed on the Calendar for Thursday, April 3, 1986, which motion prevailed.

House Bill No. 1266--To make provisions, housing rehabilitation corporation.

Mr. King moved that House Bill No. 1266 be passed on third and final consideration.

Mr. King moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 1266 by deleting the language "Section 4-29-212" and by substituting instead the language "Section 4-29-207 (a)".

On motion, the amendment was adopted.

Thereupon, House Bill No. 1266, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 89  
Noes . . . . . 0

Representatives voting aye were: Bell, Bewley, Bragg, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May,

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McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --89.

A motion to reconsider was tabled.

House Bill No. 1147--To make certain provisions, anatomical gifts.

On motion, House Bill No. 1147 was made to conform with Senate Bill No. 1140.

On motion, Senate Bill No. 1140, on same subject, was substituted for House Bill No. 1147.

Mr. Murphy moved that Senate Bill No. 1140 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 1140 by deleting in its entirety all the language of SECTION 1. paragraph (k) and by substituting instead the following:

(k) "Terminal patient" means any human being afflicted with any disease, illness, injury, or condition from which there is no reasonable medical expectation of recovery and which disease, injury, illness or condition will as a medical probability, result in the death of such human being within a short period of time regardless of the use or discontinuance of medical treatment implemented for the purpose of sustaining life, or the life processes.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1140, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	91
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins,

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Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--91.

A motion to reconsider was tabled.

House Bill No. 1707--To provide for staff, certain district attorney's general.

Mr. Murphy moved that House Bill No. 1707 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	82
Noes . . . . .	10

Representatives voting aye were: Bell, Bewley, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frenslley, Gaia, Garrett, Gill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McNally, Miller, Montgomery, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--82.

Representatives voting no were: Chiles, Clark (Sumner), Dills, Harrill, Moody, Moore, Shirley, Stafford, Swann and Tankersley--10.

A motion to reconsider was tabled.

House Bill No. 1802--To enact the Municipal Development Authority Act.

Mr. McCroskey moved that House Bill No. 1802 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 1802 by adding the following language as a new sub-item to be appropriately designated at the end of the first section of Article III:

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This act shall not apply in any county with a population in excess of six hundred thousand (600,000) according to the 1980 federal census or any subsequent federal census.

On motion, the amendment was adopted.

Mr. Miller moved to amend as follows:

### **AMENDMENT NO. 2**

Amend House Bill No. 1802 by adding the following language as a new sub-item to be appropriately designated at the end of the first section of Article III:

This act shall not apply to counties having a metropolitan form of government.

On motion, the amendment was adopted.

Mr. Miller moved to amend as follows:

### **AMENDMENT NO. 3**

Amend House Bill No. 1802 by adding the following language as a new sub-item to be appropriately designated at the end of the first section of Article III:

This act shall not apply in any county having a population of not less than three hundred nineteen thousand six hundred twenty-five (319,625) nor more than three hundred nineteen thousand seven hundred twenty-five (319,725), according to the 1980 federal census of population or any subsequent federal census.

On motion, the amendment was adopted.

Mr. Miller moved to amend as follows:

### **AMENDMENT NO. 4**

Amend House Bill No. 1802 by adding the following language as a new sub-item to be appropriately designated at the end of the first section of Article III:

This act shall not apply in any county having a population of not less than sixteen thousand seven hundred (16,700) nor more than sixteen thousand eight hundred (16,800), nor in any county having a population of not less than thirty-one thousand two hundred (31,200) nor more than thirty-one thousand three hundred (31,300), according to the 1980 federal census or any subsequent federal census.

On motion, the amendment was adopted.

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Mr. Miller moved to amend as follows:

**AMENDMENT NO. 5**

Amend House Bill No. 1802 by adding the following language as a new sub-item to be appropriately designated at the end of the first section of Article III:

This act shall not apply in any county having a population of not less than forty-one thousand four hundred (41,400) nor more than forty-one thousand five hundred (41,500), nor in any county having a population of not less than seventy-seven thousand seven hundred (77,700) nor more than seventy-seven thousand eight hundred (77,800), according to the 1980 federal census or any subsequent federal census.

On motion, the amendment was adopted.

Mr. Whitson moved to amend as follows:

**AMENDMENT NO. 6**

Amend House Bill No. 1802 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply in any county having a population of not less than 16, 360 nor more than 16,450 according to the 1980 federal census or any subsequent federal census.

On motion, the amendment was adopted.

Mr. McCroskey moved to amend as follows:

**AMENDMENT NO. 7**

Amend House Bill No. 1802 by adding the following new section to be appropriately numbered before the effective date and renumbering the effective date section:

Section \_\_\_\_\_. The provisions of this act shall not apply to any municipality having a population of not less than thirty-nine thousand seven hundred fifty (39,750) and not more than thirty-nine thousand eight hundred fifty (39,850) according to the 1980 federal census or any subsequent federal census.

On motion, the amendment was adopted.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 8

Amend House Bill No. 1802 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Notwithstanding any provisions of this act to the contrary, no municipality shall have authority to exercise the power of eminent domain outside such municipality corporate limits.

On motion, the amendment was adopted.

Mr. Bewley moved to amend as follows:

AMENDMENT NO. 9

Amend House Bill No. 1802 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply in counties having population of:

nor less than

nor more than

54,375

54,475

according to the 1980 federal census of population or any subsequent federal census.

On motion, the amendment was adopted.

Mr. McCroskey moved to amend as follows:

AMENDMENT NO. 10

Amend House Bill No. 1802 by deleting the language added by Amendment No. 7 and by adding the following new section to be appropriately numbered before the effective date and renumbering the effective date section:

Section \_\_\_\_\_. The provisions of this act shall only apply to any municipality having a population of not less than thirty-nine thousand seven hundred fifty (39,750) and not more than thirty-nine thousand eight hundred fifty (39,850) according to the 1980 federal census or any subsequent federal census.

On motion, the amendment was adopted.

Mr. McCroskey moved to amend as follows:

AMENDMENT NO. 11

Amend House Bill No. 1802 by inserting the following new section before the effective date section and by renumbering the effective date section accordingly:

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, the amendment was withdrawn.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 12

Amend House Bill No. 1802 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply in counties have a population of:

nor less than	nor more than
84,000	84,100
85,725	85,825

according to the 1980 federal census of population or any subsequent federal census.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1802, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	97
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson

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(Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

Mr. Jared moved that the House stand in recess until 1:30 p.m., which motion failed by the following vote:

Ayes . . . . .	46
Noes . . . . .	42
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bragg, Buck, Chiles, Clark (Davidson), Clark (Sumner), Collier, Crain, Cross, Darnell, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Dills, Duer, Gaia, Gill, Harrill, Hillis, Hobbs, Jared, Jones, Kent, Kisber, Lawson, Love, May, McNally, Miller, Moore, Murphy, Naifeh, Peroulas, Phillips, Rhinehart, Robinson (Hamilton), Shirley, Tanner, Turner, B. (Hamilton), Turner, C. (Shelby), West, Wheeler, Williams, Yelton and Mr. Speaker McWherter--46.

Representatives voting no were: Bewley, Brewer, Byrd, Copeland, Covington, Curlee, Davis (Gibson), DePriest, Dixon, Drew, Ellis, Frensley, Hassell, Hawkins, Henry, Hurley, Huskey, Kernell, King, McAfee, McCroskey, Montgomery, Moody, Murray, Nance, Pruitt, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Turner, L. (Shelby), Webb, Whitson, Winningham, Wix, Wolfe and Wood--42.

Representative present and not voting was: Patterson--1.

House Bill No. 1259--To continue board of licensing health care facilities.

Mr. King moved that House Bill No. 1259 be passed on third and final consideration.

Mr. King moved to amend as follows:

### AMENDMENT NO. 1

Amend House Bill No. 1259 by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-207 (a), is amended by adding the following language as a new item to be appropriately numbered:

( ) Board for licensing health care facilities, created by Section 68-11-203;



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On motion, the amendment was adopted.

Thereupon, House Bill No. 1259, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	93
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jones, Kent, Kernell, King, Kisber, Lawson, Love, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

Mr. Rhinehart moved that the House stand in recess until 1:30 p.m., which motion prevailed by the following vote:

Ayes . . . . .	43
Noes . . . . .	42
Present and not voting . . . . .	2

Representatives voting aye were: Bell, Bragg, Buck, Burnett, Chiles, Clark (Sumner), Cobb, Copeland, Crain, Cross, Darnell, Davidson, DeBerry, Dills, Duer, Gill, Harrill, Hillis, Jared, Jones, Kent, Lawson, Love, May, McNally, Montgomery, Moody, Moore, Murphy, Naifeh, Peroulas, Pruitt, Rhinehart, Shirley, Tanner, Turner, B. (Hamilton), Turner, C. (Shelby), Ussery, Wheeler, Williams, Work, Yelton and Mr. Speaker McWherter--43.

Representatives voting no were: Bewley, Brewer, Collier, Covington, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Ellis, Frensley, Hassell, Hawkins, Henry, Hobbs, Huskey, Ivy, Kernell, King, McAfee, McCroskey, Miller, Murray, Nance, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Swann, Turner, L. (Shelby), Webb, West, Whitson, Winningham, Wix, Wolfe and Wood--42.

Representatives present and not voting were: Garrett and Patterson--2.

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The recess having expired, the House was called to order by Mr. Speaker McWherter.

On motion, the roll call was dispensed with.

The Speaker announced that Representative Napier was excused for the remainder of the day.

House Bill No. 1260--To continue student assistance corporation.

On motion, House Bill No. 1260 was made to conform with Senate Bill No. 1346.

On motion, Senate Bill No. 1346, on same subject, was substituted for House Bill No. 1260.

Mr. King moved that Senate Bill No. 1346 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	84
Noes . . . . .	0
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Drew, Duer, Ellis, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--84.

Representative present and not voting was: Buck--1.

House Bill No. 1564--To provide for reporting of certain deaths.

On motion, House Bill No. 1564 was made to conform with Senate Bill No. 1412.

On motion, Senate Bill No. 1412, on same subject, was substituted for House Bill No. 1564.

Mr. West moved that Senate Bill No. 1412 be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes . . . . . 85  
Noes . . . . . 0

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Drew, Duer, Ellis, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--85.

A motion to reconsider was tabled.

House Bill No. 1233--To increase fine, vandalism of cemeteries.

On motion, House Bill No. 1233 was made to conform with Senate Bill No. 1172.

On motion, Senate Bill No. 1172, on same subject, was substituted for House Bill No. 1233.

Mr. West moved that Senate Bill No. 1172 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 1172 by deleting Section 4 in its entirety and by substituting instead the following:

SECTION 4. Tennessee Code Annotated, Section 39-3-1327, is amended by adding the following language as a new subsection to be designated as subsection (d):

(d) Provided, however, nothing in this section, nor any section of Chapter 6, Part 7 of this title, shall be construed to prohibit the excavation of human remains or graves found in archaeological sites if such activity is conducted by the Department of Conservation, Division of Archaeology, or other qualified professional archaeologists as approved by the state archaeologist.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision

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or application, and to that end the provisions of this act declared to be severable.

SECTION 6. This act shall take effect July 1, 1986, the public welfare requiring it, except that Section 4 of this act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Ms. Williams moved to amend as follows:

**AMENDMENT NO. 2**

Amend Senate Bill No. 1172 by adding before the effective date section the following new section and by renumbering the effective date section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 39-3-1327(c)(2), is amended by inserting between the words "such" and "tombstone" the words "church, synagogue, temple, mosque".

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1172, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	91
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, King, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--91.

A motion to reconsider was tabled.

House Bill No. 1898--To make certain provisions, firefighting personnel.

Mr. West moved that House Bill No. 1898 be passed on third and final consideration.

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Mr. West moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 1898 by deleting the word "shall" from the first sentence and by substituting instead the word "may".

On motion, the amendment was adopted.

Thereupon, House Bill No. 1898, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	93
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

House Bill No. 1256--To continue Tennessee Arts Commission.

On motion, House Bill No. 1256 was made to conform with Senate Bill No. 1348.

On motion, Senate Bill No. 1348, on same subject, was substituted for House Bill No. 1256.

Mr. King moved that Senate Bill No. 1348 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	91
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills,

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Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--91.

A motion to reconsider was tabled.

House Bill No. 1251--To make provisions, housing development agency.

Mr. King moved that House Bill No. 1251 be passed on third and final consideration.

Mr. King moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 1251 by deleting the language "Section 4-29 -212" and by substituting instead the language "4-29-207 (a)".

On motion, the amendment was adopted.

Thereupon House Bill No. 1251, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	92
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Murphy, Murray, Naifeh, Nance, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

A motion to reconsider was tabled.

House Bill No. 1246--To continue alcoholic beverage commission.

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Mr. King moved that House Bill No. 1246 be passed on third and final consideration.

Mr. King moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 1246 by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-207 (a), is amended by adding the following language as a new item to be appropriately numbered:

( ) Alcoholic beverage commission created by Section 57-1-102;

On motion, the amendment was adopted.

Thereupon, House Bill No. 1246, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	89
Noes . . . . .	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--89.

Representatives voting no were: Chiles and Lawson--2.

A motion to reconsider was tabled.

House Bill No. 1993--To make certain provisions, banking.

Mr. Moore moved that House Bill No. 1993 be passed on third and final consideration.

Mr. Tanner moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1993 in Section 1 by substituting the following amendatory language as new subsection (d) and deleting the existing subsection (d) in its entirety:

(d) In lieu of providing a good and sufficient fidelity bond on all active officers and employees as required by subsection (a) of this section, a state bank with sufficient capital to assets ratio as established by the commissioner of financial institutions may establish a special reserve fund in such form, amount and including such assets as approved by the commissioner.

The commissioner shall promulgate necessary rules and regulations to implement the provisions of this act.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1993, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	92
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

A motion to reconsider was tabled.

House Bill No. 1848--To define duties, state board of education.

Mr. West moved that House Bill No. 1848 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	92
Noes . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills,



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Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

Representative voting no was: Chiles--1.

A motion to reconsider was tabled.

House Bill No. 1496--To provide for depositions, civil actions.

On motion, House Bill No. 1496 was made to conform with Senate Bill No. 1443.

On motion, Senate Bill No. 1443, on same subject, was substituted for House Bill No. 1496.

Mr. Murphy moved that Senate Bill No. 1443 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 1443 by deleting Section 1 in its entirety and substituting therefore the following:

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 9, is amended by deleting the chapter in its entirety and substituting instead the following:

Section 24-9-101. Deponents exempt from subpoena to trial but subject to subpoena to a deposition are:

- (a) an officer of the United States;
- (b) an officer of this state;
- (c) an officer of any court or municipality within the state;
- (d) the clerk of any court of record other than that in which the suit is pending;
- (e) a member of the general assembly while in session, or clerk or officer thereof;

(f) a practicing physician, psychologist, chiropractor, dentist, or attorney; and

(g) a jailer or keeper of a public prison in any county other than that in which the suit is pending.

Section 24-9-102. Discovery pursuant to Rules 26-37 of the Tennessee Rules of Civil procedure, excluding physical and mental examinations under Rule 35 of such rules, may be taken in all civil cases pending in the courts of general sessions in the discretion of the court after motion showing both good cause and exceptional circumstances and pursuant to an order describing the extent and conditions of such discovery.

Section 24-9-103.

(a) Whenever any mandate, writ, or commission is issued out of any court of record in any other state, territory, district, or foreign jurisdiction, or whenever upon notice or agreement it is required to take the testimony of a witness or witnesses in this state, witnesses may be compelled to appear and testify in the same manner and by the same process and proceeding as may be employed for the purpose of taking testimony in proceedings pending in this state.

(b) The person whose deposition is required under a foreign commission or is taken upon agreement is entitled to the same fees as a person who is summoned to give testimony in the circuit courts of this state.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1443, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	93
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery,

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Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

House Bill No. 1741--To enact the Career/Political Employee Act.

Mr. Rhinehart moved that House Bill No. 1741 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 1741 in Section 1 by deleting the words "Career/Political Employee Act" and substituting in their place the words "Career Employee Act".

Section 2 by deleting the section in its entirety and substituting in its place the following:

Tennessee Code Annotated 8-30-102 is amended by deleting that section in its entirety and substituting in its place the following:

There is created and established in the Department of Personnel a civil service commission of nine (9) members.

Section 3 by deleting it in its entirety and in its place substituting the following:

Tennessee Code Annotated 8-304-104 is amended by deleting that section in its entirety and substituting in its place the following:

The members of the commission shall be appointed by the governor from the public at large. The terms of office shall be so arranged that no more than two (2) terms expire in the same year. Of the four (4) members newly appointed, one (1) shall be for a term of two (2) years, one for a term of three (3) years, one for a term of four (4) years and one for a term of five (5) years. Thereafter, each member shall be appointed for a term ending six (6) years from the date of the expiration of term for which his predecessor was appointed, except that a person appointed to fill a vacancy occurring prior to the expiration of such term shall be appointed for the remainder of the term.

Section 4 by deleting the words "political service" and substituting in their place the words "executive service".

Section 7 by deleting the section in its entirety and renumbering the remaining sections appropriately.

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By deleting Section 9 in its entirety and by substituting the following new section:

Section 9. Tennessee Code Annotated, Section 8-30-214 is amended by adding the following new subsections:

(d) Each career service employee whose job performance is satisfactory shall receive a one step periodic salary increase provided, however, that employees at or above the top step of their salary ranges shall not be eligible for such salary increase. Each July 1, thereafter, career service employees whose job performance is satisfactory and who are in steps one through four in their salary range shall receive a one step periodic salary increase; employees who are in steps five through nine in their salary range and whose job performance is satisfactory shall receive a one step salary increase if that employee did not receive a periodic salary increase the previous July 1; employees at step ten or above in their salary ranges shall not be eligible for such salary increase. Periodic salary step increases shall only be awarded to career service employees who have completed twelve continuous months of state service as of July 1 of each year. Career service employees who have not completed twelve continuous months of state service as of July 1 of each year shall be eligible for a periodic salary increase upon completion of twelve continuous months of state service. Periodic salary step increases shall be subject to availability of funds as provided in the appropriations act for each fiscal year.

(e) When any position classification is upgraded in the classification/compensation plan, all career service employees in that position classification shall receive salary increases in accordance with the promotion salary increase rule.

Section 11 by inserting the words "for purposes of determining timeliness" between the words "complete" and "upon" in the second sentence of that section and by deleting the third sentence in its entirety and substituting in its place the following:

"An appeal shall be heard within 120 days of filing unless a continuance is granted under the provisions of the Uniform Administrative Procedures Act."

By deleting Section 12(b) in its entirety and substituting in its place the following:

Whenever an employee is dismissed "for the good of the service" the notice of termination must outline in detail how the service will be benefited by such termination.

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Section 12, subsection (c) by deleting the first sentence in its entirety.

Section 14 (g) by inserting the word "agency" between the words "for" and "review", and by adding the followig as a new sentence:

"The Commissioner may deny agency review at his/her discretion. Such denial shall constitute adoption of an initial order as a final order which will become effective on entry."

Section 14, subsection (h) by deleting it in its entirety and substituting in its place the followig:

(h) In the event that a grievant is successful in obtaining reinstatement to a position from which he or she has been terminated, he or she shall be reinstated to a position in the county in which employed at the time of termination. Exceptions may be granted on a case by case basis, by the commissioner, based on demonstrable cause committed to writing.

By adding to Section 14, subsection (j) the word "Commission" before the word "subpoena" wherever it appears in that subsection.

Section 15 subsection 1 is amended by deleting the third, fourth, fifth and sixth sentences.

Section 15 subsection 2 is amended by deleting that subsection in its entirety and by substituting in its place the following:

**2. Minimum Due Process consists of the following:**

(a) The employee shall be notified of the charges against him/her. Such notification should be in writing and shall detail times, places, and other pertinent facts concerning the charges.

(b) The notification will provide for the employee to have a pre-decision discussion with an appropriate manager and will state the mechanism through which such a discussion may be arranged. The employee should be given a reasonable period of time to prepare to answer charges and present information whcih might influence the manager's decision.

(c) The manager conducting such discussions must be an appointing authority or manager who has direct access to an appointing authority for this purpose.

(d) The meeting outlined above shall be for the purpose of allowing the employee to present information to the

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manager regarding the disciplinary action under consideration.

(e) The discussion shall be informal. The employee shall have the right to present written statements of witnesses or any other information with regard to the charges. Attendance and participation by persons other than the manager and the employee shall be at the discretion of the manager.

(f) If the employee declines the opportunity to have the discussion or present information, the provisions of this section are deemed to have been met.

Section 16 by adding the following as new sentences:

"Fees established by this section shall apply to disciplinary actions consisting of suspension of ten (10) days or more, demotion, or termination of employment. Disciplinary actions consisting of suspensions of less than ten (10) days and all other grievable matters shall continue to follow the schedule outlined in the rules of the Department of Personnel for reimbursement of attorney's fees.

Section 18 by deleting this section in its entirety and substituting in its place the following:

Amend Tennessee Code Annotated 49-50-1001 by adding the following as a new subsection:

(a)(5) To promulgate rules providing employees of Tennessee Preparatory School, Tennessee School for the Blind and Tennessee School for the Deaf the right to appeal decisions of the Commissioner of Education, relative to adverse job actions, to the full board.

Rules shall be promulgated in accordance with the Uniform Administrative Procedures Act and shall be effective on or before July 1, 1987.

Appeals filed pursuant to rules promulgated in compliance with this section shall be contested cases under Tennessee Code Annotated, Title 4, Chapter 5, Part 3.

Section 19 by deleting the section in its entirety.

By adding the following as new sections and numbering them appropriately:

SECTION \_\_\_\_ . Tennessee Code Annotated 8-30-101(17)(H) is amended by adding the following phrase after the semicolon following the word "themselves":

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All employees of Tennessee School for the Blind, Tennessee School for the Deaf, Tennessee Preparatory School, and Alvin C. York Institute;

SECTION \_\_\_\_\_. Tennessee Code Annotated 8-30-101(17) is amended by adding the following as a new subsection:

(j) All employees of the Tennessee Public Service Commission.

SECTION \_\_\_\_\_. Tennessee Code Annotated 8-30-101(17) is amended by adding the following as a new subsection:

(K) The Tennessee Higher Education Commission and all employees of that commission.

By adding the following as a new section and numbering the new section appropriately:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 8-30-208, is amended by deleting the section in its entirety and by substituting in lieu thereof the following:

Career and executive service.--(a) The state service should be divided into an executive and a career service.

(b) The executive service shall include:

(1) Members of boards, commissions, agencies and authorities and the chief executive officer of each board, commission, agency and authority and the commissioner of each department;

(2) The deputy commissioner or equivalent authority in each department and agency;

(3) Any assistant commissioner or equivalent authority in each department or agency;

(4) Any division director or equivalent with statewide responsibility in each department or agency;

(5) Any position serving in a confidential administrative capacity to a commissioner, deputy commissioner, assistant commissioner or equivalent authority;

(6) All positions in the governor's office (Executive Department);

(7) Wardens and directors of correctional institutions and superintendents of mental health/mental retardation institutions.

(c) All other regular full-time positions in state service shall be in the career service.

(d) The commissioner shall determine equivalent levels for the purpose of assigning positions not specifically addressed in subsection (b) to the career or executive service. Such determination shall be based solely on duties, responsibilities and reporting relationships and shall not be subject to review through any procedure.

Provided, however, within any division implementation of this provision shall not jeopardize federal funding resources

(e) All prior executive orders issued pursuant to Tennessee Code Annotated, Section 8-30-208, are hereby superseded and repealed.

Section 21 is amended by deleting it in its entirety and substituting in its place the following :

Section 9 of this bill shall become effective July 1, 1987; all other sections shall become effective July 1, 1986, the public welfare requiring it.

Mr. Rhinehart moved to amend Amendment No. 1 as follows:

**AMENDMENT NO. 1 TO AMENDMENT NO. 1**

Amend Amendment No. 1 in Section 18 by adding the words and punctuation "the Alvin C. York Institute," at the end of the first line of subsection (a) (5) of the amendatory language;

and further amend Section 21 by deleting the first line of the amendatory language and substituting instead the following:

"Section 9 and Section 18 of this bill shall become effective July 1, 1987;"

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Amendment No. 1, as amended, was adopted.

Mr. Rhinehart moved to amend as follows:

**AMENDMENT NO. 2**

Amend House Bill No. 1741 by adding the following language as a new section to be appropriately designated:

SECTION \_\_\_\_\_. In addition to the provisions of Tennessee Code Annotated, Section 50-7-605, the provisions of this act shall also apply to eligible employees of the department of employment security.



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On motion, the amendment was adopted.

Mr. Rhinehart moved to amend as follows:

**AMENDMENT NO. 3**

Amend House Bill No. 1741 by deleting the word and figures "Section 8-50-103(c)" and by substituting instead "Section 8-50-103(a)" in the directory language of the original Section 17.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1741, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	95
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

House Bill No. 1335--To amend Title 4, Chapter 31, Code.

Mr. Bragg moved that House Bill No. 1335 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 1335 by deleting sections 1 and 2 in their entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 4-31-102(9) is amended by inserting between the words "means" and "a contractual arrangement" the following words:

"a contractual arrangement by and between a local government unit and the state acting by and through the authority

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pursuant to and in accordance with part 4 of this chapter providing for loans to such local government units for the purpose of paying the cost of the construction of correctional facilities and"

Section 2. Tennessee Code Annotated, Section 4-31-102(18) is amended by deleting the semicolon (;) at the end of subsection (18) and by substituting instead the following:

" , or pursuant to the provisions of part 4 of this chapter to provide assistance to local government units by making loans for the construction of correctional facilities;"

Section 3. Tennessee Code Annotated Section 4-31-102 is amended by inserting the following to be numbered as subsection 5 and by renumbering subsequent subsections accordingly:

(5) "Correctional facilities" shall mean corrective, detention, and penal facilities, including but not limited to jails, juvenile correctional facilities, reformatories, workhouses and work release centers and all real and personal property deemed necessary and appurtenant to such facilities, or any combination of one (1) or more of the above constructed by any one (1) or more local government units.

Section 4. Tennessee Code Annotated, Section 4-31-104(12) is amended by inserting between the words "to fund its" and "agricultural development loan program" the words "state loan programs and its".

Section 5. Tennessee Code Annotated, Section 4-31-105(c)(2) is amended by deleting "1982" and substituting instead "1986".

Section 6. Tennessee Code Annotated, Section 4-31-105(c)(2)(D) is amended by deleting the punctuation, word and figure ",part 5".

Section 7. Tennessee Code Annotated, Section 4-31-107 is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) Bonds or notes issued by the authority to provide for loans to local government units pursuant to the provisions of title 68, chapter 13, part 2 for the construction of sewage treatment works, pursuant to the provisions of title 68, chapter 13, part 5 for the construction of water works; or pursuant to title 68, chapter 31, part 4, for the construction of energy recovery facilities and/or solid waste resource recovery facilities shall not be issued and sold as part of an issue of bonds or notes of the authority issued pursuant to the provisions of title 4, chapter 31, part 4 to provide for loans to local

government units for the construction of correctional facilities, or with bonds or notes issued pursuant to any other provisions of this chapter or any other law, nor shall bonds or notes issued by the authority pursuant to the provisions of title 4, chapter 31, part 4 to provide loans to local government units for the construction of correctional facilities be issued and sold as part of an issue of bonds or notes issued pursuant to any other provision of this chapter or any other law; provided that the foregoing shall not prohibit the issuance of separate issues of bonds or notes pursuant to the provisions of this section."

Section 8. Tennessee Code Annotated, Section 4-31-107(f) is amended by deleting the word "and" between the words and figures "and 5" and "title 68" and further amend subsection (f) by inserting the words and punctuation "and title 4, chapter 31, part 4," between the words and punctuation "part 4," and "provided, however."

Section 9. Tennessee Code Annotated, Section 4-31-107(f)(2) is amended by deleting the word and punctuation"; and" and by substituting instead the punctuation ";".

Section 10. Tennessee Code Annotated Section 4-31-107(f)(3) is amended by adding the word "and" after the punctuation ";".

Section 11. Tennessee Code Annotated, Section 4-31-107(f) is amended by adding the following new subsection:

(4) For correctional facilities, in accordance with the provisions of title 4, chapter 31, part 4, shall not exceed fifty million dollars (\$50,000,000).

Section 12. Tennessee Code Annotated Section 4-31-108(a)(3) is amended by deleting the word "or" between the words and punctuation "part 5," and "title 68" and is further amended by inserting the words "or title 4, chapter 31, part 4," between the words and punctuation "part 4," and "as the case may be".

Section 13. Tennessee Code Annotated, Title 4, Chapter 31, is amended by adding the following language as new sections within an appropriately designated new part 4:

**4-31-401.    Short Title.**

This part shall be known and may be cited as the "Tennessee Local Development Authority Correctional Facilities Act of 1986."

**4-31-402.    Intent .**

(a) The general assembly finds and declares that:

(1) The construction, maintenance and operation of correctional facilities and jails is an essential function of state and local governments;

(2) Financing costs incurred by local governments in the construction of correctional facilities and jails are a significant factor in the ability of many local governments to meet the needs of their communities;

(3) To the extent that financing of correctional facilities can be accomplished less expensively through the pooling together of needs and the use of less costly borrowing techniques local governments would be better able to provide correctional facilities, and other, essential services for the benefit of its citizens and taxpayers.

(b)(1) It is accordingly in furtherance of the interests and welfare of all Tennesseans that the Tennessee local development authority be empowered to issue its revenue bonds and to make the proceeds available for loans to local government units for capital projects relating to correctional facilities and jails, at a cost which is lower than would otherwise be readily obtainable.

(2) It is intended that the Tennessee local development authority be vested with all powers necessary to accomplish these purposes.

**4-31-403. Definitions.**

As used in this part unless the context otherwise requires, the term "construction" shall mean the building, reconstruction, creation, replacement, extension, repairing, betterment, improvement, alteration, equipment, extension or acquisition of correctional facilities, including but not limited to the acquisition of land and of rights in land, the engineering, architectural designs, plans, working drawings, specifications, procedures and other action necessary in the construction such facilities, and the inspection and supervision of such facilities.

**4-31-404. Loans for correctional facilities authorized for local government units receiving state-shared taxes-schedule of payments.**

(a) In addition to the powers otherwise granted by law, the authority shall have the power and is authorized to make loans to any local government unit for the construction of correctional facilities pursuant to a loan program agreement between the local government and the authority. Such loans

shall be made from the proceeds of bonds or notes issued by the authority for the purpose of making such loans.

(b) Only local government units receiving state-shared taxes shall be eligible to participate in the loan program; provided, however, that a local government unit receiving state-shared taxes may jointly enter into a loan agreement with the authority and loan the proceeds of such loan to a local government unit not receiving state-shared taxes.

(c)(1) The authority shall establish a repayment schedule to be made by a local government unit under a loan agreement. Such repayments shall be in such amounts as will be at least sufficient, together with other funds available therefor, to pay the principal of, and interest on, bonds and notes issued by the authority for the purpose of providing loans to local government units for the construction of correctional facilities as may be necessary for the authority to maintain a reserve for debt service. At the time of approval of a loan agreement the annual repayment schedule applicable to all approved loans to a local government unit under provisions of this part, when combined with annual repayment schedules applicable to approved loans to local government units under provisions of title 68, chapter 13, parts 2, and 5 and title 68, chapter 31, part 4 or other state loan programs, shall not exceed one hundred percent (100%) of the unobligated amount of annual state-shared taxes paid to the local government unit as shown by the latest completed audit for the state's fiscal year. Nothing contained herein shall require a uniform test for all loans, it being the intent of the general assembly that the authority exercise discretion based on the facts and circumstances of each loan. In exercising its discretion, the authority shall take into consideration the general financial condition of the local government unit receiving the loan.

(2) For purposes of determining compliance with this subsection, the annual repayment schedule for each loan shall be, in cases prior to the funding of such loans or where such loans have been financed on an interim basis other than by bonds, an estimated annual repayment schedule showing debt service requirements under the loan agreements as if the bonds to be issued to fund such loans will bear interest at a rate per annum and mature in such manner as the authority shall establish at the time of the approval of each such loan and, in cases where bonds have been issued to fund such loan, the actual debt service requirements on such bonds.

4-31-405.

Administration of loans.

(a) The authority shall administer loans made under the provisions of this part. In so doing, the authority may adopt rules and regulations necessary for the effective administration of this part, including the promulgation of prerequisites which must be fulfilled by the local government unit in order to be eligible for a loan, procedures to be followed in making loan applications to the authority, procedures to be followed in the disbursement of loan funds, and procedures for enforcing agreements entered into by local government units with the authority.

(b) Any one (1) or more local government units entering into a loan agreement with the authority must state in the loan application in addition to any requirements established by the authority pursuant to rules and regulations:

(1) That the plans for the construction of the correctional facility have been submitted to the Tennessee Corrections Institute for review and comment; and

(2) That the plans for construction of new corrections facilities conform to American Correctional Association Standards and the Life and Safety Code for the purposes proposed for such facility and that any other construction on existing corrections facilities are in compliance with the minimum standards established by the Tennessee Corrections Institute pursuant Sections 41-4-140 and 41-7-101 et seq., and the Life and Safety Code.

(c) Prior to being placed into use, the correctional facility financed by the loan agreement must first be inspected, approved, and certified by the Tennessee Corrections Institute pursuant to Sections 41-4-140 and 41-7-101 et seq. Said certification must be submitted to the authority within thirty (30) days of receipt by the local government unit.

#### 4-31-406. Loan Agreements.

(a) Subject to the provisions of Section 4-31-405 and subject to any existing contractual obligations of the local government, the authority may enter into loan agreements with any local government unit and any local government unit may enter into loan agreements with the authority for loans for correctional facilities described in this part.

(b) Any loan agreement may include such provisions as may be agreed upon by the authority and the local government subject to the provisions of Section 4-31-405 and shall additionally include, in substance, the following:

(1) The amount of the loan, not to exceed the estimated reasonable cost of the project to be constructed, as determined by the authority;

(2) An agreement by the authority to pay part of the amount of the loan to the local government unit prior to the construction, or during the progress of the construction, or to pay the amount of the loan following completion of the construction, as may be agreed upon by the parties; and

(3) An agreement by the local government unit:

(A) To proceed expeditiously with, and complete, the project in accordance with the plans approved pursuant to this part;

(B) To commence operation of the project on its completion, and not to discontinue operations or dispose of the project without the approval of the authority;

(C) To operate and maintain the project in accordance with applicable provisions of this part, in accordance with the standards established by the Tennessee Corrections Institute, and in compliance with rules and regulations of the authority;

(D) Not to contract with any corporation for profit, private person or firm for the operation of the same, notwithstanding the provision of any law authorizing such contracts except upon approval by the authority of an application to the authority which application shall include, but not be limited to, an opinion from a nationally recognized bond counsel that said contract will not affect the tax exempt status of the income of the authority's bonds or notes financing such facility under state or federal law;

(E) To pledge any available sources of revenue to make payment according to a schedule established by the authority including state-shared taxes and any subsidies provided to counties under the County Correctional Incentives Act of 1981, Sections 41-8-101 et seq., and to make such payments; and

(F) To establish and maintain adequate financial records for the project, and to cause to be made, by a licensed independent public accountant, an annual audit of the financial records and

transactions covering each fiscal year in accordance with generally accepted government auditing standards, and to furnish a copy of such audits to the state comptroller.

Failure of a local government unit to file the audit required by subsection (F) above with the state comptroller each year until the loan along with interest is totally repaid shall constitute a misdemeanor and anyone violating this provision, upon conviction, shall be liable for a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100) for each violation, within discretion of the court, and each day of continued violation shall constitute a separate offense.

The authority may promulgate any additional rules or regulations concerning said contract and change in operations of a correctional facility.

4-31-407. Further agreements and guarantees.

The authority shall have the right to enter into such further agreements with a local government unit and require such further guarantees or securities as it may see fit prior to, or simultaneously with, the issuance of bonds or to refuse to issue bonds until such agreements or securities, in any form which the authority may elect, are agreed to or are obtained.

4-31-408. Approval of agreements - Payments subject to audit.

All loan agreements entered into pursuant to this part shall be subject to approval by the attorney general as to the form and by the commissioner of finance and administration and all payments made pursuant to said loan agreements shall be made on vouchers approved by the authority and such payments shall be subject to audit at any time.

4-31-409. Allocation of funds - Criteria.

In allocating loan funds to local government units, the authority shall give consideration to, and apply, the following standards and criteria:

(1) The need and desirability for facilities; and

(2) The ability of the local government unit to secure borrowed money from other sources and costs thereof.

4-31-410. Tax levy to meet payments.



In the event the funds pledged shall be insufficient to meet the payments as established by the authority, any local government unit shall levy a tax on property sufficient to make such payments, which shall be in addition to all other taxes authorized or limited by law.

43-31-411. Failure to make payments - Withholding of shared revenues authorized.

(a) In the event any local government unit having entered into a loan agreement shall fail to remit funds in accordance with the annual repayment schedule established by the authority, the commissioner of finance and administration shall deliver by certified mail a written notice of such failure to the local government unit, as the case may be, within five (5) days of such failure.

(b) In the event the local government unit, as the case may be, shall fail to remit the amount set forth in the notice within sixty (60) days of the receipt of the notice, the commissioner of finance and administration shall, without further authorization, withhold such sum or part of such sum from any state-shared taxes which are otherwise apportioned to such local government unit, as the case may be, for the benefit of the authority issuing bonds or notes for the purposes referred to in this part.

4-31-412. Enforcing of agreement by court action.

The authority shall have the right, in addition to all other rights, by mandamus or other suit, action or proceeding in any court of competent jurisdiction, to require the local government unit and the governing body and any proper officer, agent or employee of the local government unit to carry out any agreements and to perform its and their duties under this part or any rule or regulation of the authority adopted pursuant thereto.

4-31-413. Debt limit not applicable.

Local government units may enter into loan agreements under the provisions of this part notwithstanding and without regard to any limit on indebtedness provided by law.

4-31-414. Actions of governing body by resolution.

All action required or authorized to be taken under this part by the governing body of any local government unit may be by resolution, which resolution may be adopted at the meeting of the governing body at which such resolution is introduced, and shall take effect immediately upon its adoption.

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**4-31-415. Provisions supplemental.**

This part shall be in addition and supplemental to any other law providing for the financing of correctional facilities by local government units and shall not be deemed to amend or repeal any other law. No proceedings by a local government unit shall be required for loan agreements hereunder, except as provided by this part, any provision of law to the contrary notwithstanding. Nor shall any requirements or restrictions applicable to borrowing by local government unit, contained in any other law be applicable to loans under this part.

**Section 14. Effective date.**

This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1335, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	93
Noes . . . . .	0
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

Representative present and not voting was: Wheeler--1.

A motion to reconsider was tabled.

House Bill No. 274--To make certain provisions, school personnel.

On motion, House Bill No. 274 was made to conform with Senate Bill No. 219.

On motion, Senate Bill No. 219, on same subject, was substituted for House Bill No. 274.

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Mr. Davis (Cocke) moved that Senate Bill No. 219 be passed on third and final consideration.

Mr. Davis (Cocke) moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 219 as follows:

Delete everything after the enacting clause and substitute the following:

SECTION 1. Each school having nine (9) or more teachers shall have at least one (1) full-time supervising principal.

SECTION 2. This act shall take effect on July 1, 1986, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 219, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	94
Noes . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

Representative voting no was: Lawson--1.

A motion to reconsider was tabled.

House Bill No. 1778--To enact Comprehensive Health Insurance Pool Act.

Mr. Kernell moved that House Bill No. 1778 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1778 by deleting the words and punctuation "and allied health professionals;" at the end of Section 12(a)(2), and by substituting instead the words and punctuation "allied health professionals, and services provided by doctors of chiropractic, podiatry and optometry;

On motion, the amendment was adopted.

Mr. Kernell moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1778 by deleting the words and figures "Section 12" in the original Section 12(a) and by substituting instead the words and figures "Section 13".

On motion, the amendment was adopted.

Thereupon, House Bill No. 1778, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	94
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

A motion to reconsider was tabled.

RECESS

On motion of Mr. Henry, the House recessed for the purpose of hearing from Assistant Attorney General Knox Walkup regarding Senate Bill No. 790.

The recess having expired, the House was called to order by Mr. Speaker McWherter.

On motion of Mr. Naifeh the roll call was dispensed with.

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### RULING OF SPEAKER

Mr. Speaker McWherter ruled that based on the Attorney General's opinion, Mr. Robinson's (Davidson) motion to rescind earlier action on Senate Bill No. 790 was appropriate and in order.

House Bill No. 1968--To regulate mutual captive insurance companies.

On motion, House Bill No. 1968 was made to conform with Senate Bill No. 1663.

On motion, Senate Bill No. 1663, on same subject, was substituted for House Bill No. 1968.

Mr. Wheeler moved that Senate Bill No. 1663 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	94
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

A motion to reconsider was tabled.

Mr. Whitson moved that Senate Bill No. 899 be re-referred to the Committee on Finance, Ways and Means, which motion prevailed.

Mr. Davis (Gibson) moved that the rules be suspended for the purpose of introducing House Resolution No. 124 out of order, which motion prevailed.

House Resolution No. 124--Relative to extending greetings to people of Milan, Italy--By Davis (Gibson) and Mr. Speaker McWherter.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Davis (Gibson), the resolution was adopted.

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A motion to reconsider was tabled.

House Bill No. 1413--To make certain provisions, licensing contractors.

Mr. Clark (Sumner) moved that House Bill No. 1413 be passed on third and final consideration.

Mr. Burnett moved to amend as follows:

**AMENDMENT NO. 5**

Amend House Bill No. 1413 by inserting the following new section before the effective date section and by renumbering the effective date section accordingly:

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

**AMENDMENT NO. 6**

Amend House Bill No. 1413 by deleting the section of the bill which reads as follows:

"SECTION \_\_\_\_\_. The provisions of Section 1 of this act shall not apply in counties having a population of

not less than	nor more than
84,000	84,100
287,700	287,800
74,500	74,600
143,900	144,000 "

and by substituting instead the following section:

"SECTION \_\_\_\_\_. The provisions of Section 1 of this act shall not apply to counties having a population of

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not less than	nor more than
287,700	287,800
74,500	74,600
143,900	144,000 "

On motion, the amendment was adopted.

Thereupon, House Bill No. 1413, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	78
Noes . . . . .	11

Representatives voting aye were: Bewley, Bivens, Bragg, Brewer, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Hassell, Hawkins, Henry, Hillis, Hobbs, Huskey, Jared, Kent, Kernell, King, Kisber, Lawson, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Mr. Speaker McWherter--78.

Representatives voting no were: Bell, Buck, Darnell, Harrill, Hurley, Ivy, Moody, Stallings, Ussery, Winningham and Yelton--11.

A motion to reconsider was tabled.

House Bill No. 1903--To amend Title 62, Chapter 5, code.

Mr. Garrett moved that House Bill No. 1903 be passed on third and final consideration.

Mr. Garrett moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 1903 by deleting the text of the amendatory language of SECTION 1 in its entirety and substituting the following:

(c) The agreement, contract, or plan shall disclose clearly whether the funds identified as having been paid or to be paid-

(1) are to be applied to the price of funeral merchandise and services to be selected by a designated person at the time of the death of the person for whom the funds were paid; or

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(2) fully pay for the funeral merchandise and services (or their equivalent) identified therein; or

(3) fully pay for the funeral merchandise and services (or their equivalent) identified therein if and only if the prevailing price thereof at the time of the death of the person for whom the funds were paid does not exceed the amount in the trust account at that time.

**AND FURTHER AMEND:**

by deleting from the directory language of SECTION 1 the language "subsection (c) which subsection shall be as follows" and substituting the word "subsections".

**AND FURTHER AMEND:**

by adding the following subsection at the end of the amendatory language of SECTION 1:

(d) In the event that subsection (c)(1) of this section is applicable, the agreement, contract or plan shall state on its face and in bold type the following language:

\_\_\_\_\_  
(Purchaser's Signature) IF THE AMOUNT IN THE  
TRUST ACCOUNT EXCEEDS THE PREVAILING PRICE (AT THE TIME  
OF SELECTION) OF THE FUNERAL MERCHANDISE AND SERVICES  
SELECTED, THE BALANCE REMAINING SHALL BE REFUNDED TO  
\_\_\_\_\_  
(Name)

On motion, the amendment was adopted.

Thereupon, House Bill No. 1903, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	84
Noes . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, King, Kisber, Lawson, May, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--84.



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Representative voting no was: West--1.

A motion to reconsider was tabled.

House Bill No. 1516--To provide longevity pay, certain employees.

On motion, House Bill No. 1516 was made to conform with Senate Bill No. 1573.

On motion, Senate Bill No. 1573, on same subject, was substituted for House Bill No. 1516.

Mr. Tanner moved that Senate Bill No. 1573 be passed on third and final consideration.

Mr. Tanner moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 1573 by deleting Section 2 in its entirety and substituting a new Section:

This act shall take effect July 1, 1986.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1573, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	79
Noes . . . . .	9

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, May, McAfee, McCroskey, McNally, Miller, Murphy, Murray, Naifeh, Napier, Patterson, Peroulas, Pruitt, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stafford, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Work, Yelton and Mr. Speaker McWherter--79.

Representatives voting no were: Chiles, Clark (Sumner), Copeland, Henry, Montgomery, Moore, Nance, Scruggs and Wood--9.

A motion to reconsider was tabled.

House Bill No. 1872--To make certain provisions, asbestos removal in schools.

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On motion, House Bill No. 1872 was made to conform with Senate Bill No. 1852.

On motion, Senate Bill No. 1852, on same subject, was substituted for House Bill No. 1872.

Mr. Dills moved that Senate Bill No. 1852 be passed on third and final consideration.

Mr. Dills moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 1852 by deleting SECTIONS 1, 2, 3, 4, 5 and 6 in their entireties and by substituting in lieu thereof the following:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 20, is amended by adding the following language as a new, appropriately designated section:

Local education agency employees, including board members, superintendents, teachers and non-professional staff members, shall be absolutely immune from liability for acts and omissions within the scope of the employee's office arising from the detection, management or removal of asbestos from building and other structures owned or controlled by the local education agency when the local education agency has complied with the U.S. environmental protection agency regulations relative to asbestos in schools; provided, however, that such immunity shall not apply if the acts or omissions of the employee were grossly negligent, willful, malicious, criminal or were done for personal gain.

SECTION 2. Tennessee Code Annotated, Section 8-6-109 (b), is amended by adding the following language as a new item:

(14) To defend local education agencies and/or their present or past superintendents, board members, teachers, or non-professional staff members, hereinafter referred to as employees, upon the formal request in writing of any such employee in any case involving a claim of injury or damage alleged to have been proximately caused by acts or omissions of such employees within their scope of employment with the local education agency in detecting, managing or removing asbestos from any building or structure owned or controlled by the local education agency when the local education agency has complied with the U.S. environmental protection agency regulations relative to asbestos in schools. In the event that the attorney general determines that the best interest of the state or employee requires private counsel, he shall on notify the employee who shall

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have the right to file for reimbursement of defense cost in accordance with Tennessee Code Annotated, Title 8, Chapter 42 in the same manner as state employees.

SECTION 3. The Board of Claims, together with the Attorney General and Reporter, shall conduct a study relative to the potential liability created under claims arising from the detection, management and removal of asbestos from public schools and the most appropriate method to protect local education agency employees from liability under these actions while providing injured parties an avenue of relief. Such study may include whether a statutory limit on amounts of recovery should be established, whether there should be a screening process to eliminate frivolous claims and other issues as deemed appropriate. The results of this study shall be reported to the General Assembly on or before January 15, 1987.

SECTION 4. If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1852, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	93
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

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Mr. Jared moved that House Bill No. 1531 be placed on the Calendar for Thursday, April 3, 1986, which motion prevailed.

House Bill No. 1495--To make certain provisions, 29th Judicial Circuit.

On motion, House Bill No. 1495 was made to conform with Senate Bill No. 1375.

On motion, Senate Bill No. 1375, on same subject, was substituted for House Bill No. 1495.

Mr. Dills moved that Senate Bill No. 1375 be passed on third and final consideration.

Mr. Dills moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 1375 by adding the following sentence to the amendatory language of Section One of the bill:

"Said Chancellor shall have concurrent jurisdiction with the Circuit Court of said district."

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1375, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	94
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

A motion to reconsider was tabled.

Mr. DePriest moved that House Bill No. 1870 be placed on the Calendar for Monday, March 31, 1986, which motion prevailed.

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On motion of Mr. Rhinehart, Senate Bill No. 1170 was re-referred to the Committee on Calendar and Rules.

### FURTHER CONSIDERATION OF SENATE BILL NO. 790

Senate Bill No. 790--To regulate use, safety restraint devices, motor vehicles.

Mr. Robinson (Davidson) renewed his motion to rescind earlier action on Senate Bill No. 790.

Mr. Copeland, et al, filed the following appeal to the Ruling of the Speaker relative to the motion to rescind action on Senate Bill No. 790.

### APPEAL TO RULING OF SPEAKER

Mr. Speaker:

I move you Sir that pursuant to Rule 31, we, the undersigned, hereby appeal your ruling on adopting the opinion of the Attorney General relative to the motion "To Rescind," which opinion was based on Roberts Rules of Order, the last of which was superseded in 1915.

Representative Jimmy Kyle Davis

Representative Jerry Cross

Representative L. H. Ivy

Representative Fred R. Hobbs

Representative M. F. Stafford

Representative David Copeland

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

Mr. Burnett moved that the Ruling of the Chair be sustained.

Mr. Burnett moved the previous question on the sustaining motion, which motion failed by the following vote:

Ayes . . . . .	48
Noes . . . . .	44

Representatives voting aye were: Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Collier, Crain, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Gill, Hassell, Hawkins, Henry, Hurley, Jared, Kent, Kernell, King, Love, May, McCroskey, McNally, Montgomery, Murphy, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Robinson (Davidson), Robinson (Washington), Scruggs,

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Severance, Turner, B. (Hamilton), Ussery, Webb, West, Wheeler andd Yelton--48.

Representatives voting no were: Bell, Chiles, Cobb, Copeland, Covington, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dills, Duer, Harrill, Hillis, Hobbs, Huskey, Ivy, Jones, Kisber, Lawson, McAfee, Miller, Moody, Moore, Murray, Rhinehart, Robinson (Hamilton), Shirley, Stafford, Stallings, Swann, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Whitson, Williams, Winningham, Wix, Wolfe, Wood and Work--44.

Mr. McNally moved the previous question on the motion to sustain, which motion prevailed.

Thereupon, Mr. Burnett's motion to sustain the Ruling of the Chair prevailed by the following vote:

Ayes . . . . .	50
Noes . . . . .	42
Present and not voting . . . . .	2

Representatives voting aye were: Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Collier, Covington, Crain, Dixon, Drew, Ellis, Frensley, Gaia, Gill, Hassell, Hawkins, Henry, Hurley, Huskey, Jared, Kent, Kernell, King, Love, May, McCroskey, McNally, Montgomery, Murphy, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Turner, B. (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler and Yelton--50.

Representatives voting no were: Bell, Chiles, Cobb, Copeland, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Duer, Garrett, Harrill, Hillis, Hobbs, Ivy, Jones, Kisber, Lawson, McAfee, Miller, Moody, Moore, Murray, Rhinehart, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner, C. (Shelby), Williams, Winningham, Wix, Wolfe, Wood and Work--42.

Representatives present and not voting were: Robinson (Hamilton) and Whitson--2.

Mr. Speaker McWherter resumed the Chair.

Mr. Copeland requested the Chair to rule whether under House Rule No. 62, Senate Bill No. 790 had been rejected.

The Speaker stated that in accordance with his earlier rulings, Senate Bill No. 790 had not been rejected.

Mr. Buck moved the previous question on the motion to rescind, which motion prevailed by the following vote:

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Ayes . . . . .	62
Noes . . . . .	25
Present and not voting . . . . .	1

Representatives voting aye were: Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DePriest, Dixon, Drew, Frensley, Gaia, Gill, Hassell, Hawkins, Henry, Hobbs, Hurley, Huskey, Jones, Kent, Kernell, Love, May, McAfee, McCroskey, McNally, Montgomery, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, and Yelton--62.

Representatives voting no were: Bell, Chiles, Cobb, Davis (Knox), DeBerry, Dills, Duer, Harrill, Hillis, Ivy, Kisber, Lawson, Miller, Moody, Moore, Rhinehart, Shirley, Stafford, Stallings, Swann, Tanner, Wix, Wolfe, Wood and Work--25.

Representative present and not voting was: Mr. Speaker McWherter--1.

Thereupon, Mr. Robinson's (Davidson) motion that the House rescind its earlier action on Senate Bill No. 790 prevailed by the following vote:

Ayes . . . . .	53
Noes . . . . .	38
Present and not voting . . . . .	3

Representatives voting aye were: Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Collier, Covington, Crain, Dills, Dixon, Drew, Ellis, Frensley, Gaia, Gill, Hassell, Hawkins, Henry, Hurley, Huskey, Jared, Jones, Kent, Kernell, King, Love, May, McCroskey, McNally, Montgomery, Murphy, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Turner, B. (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Williams and Yelton--53.

Representatives voting no were: Bell, Chiles, Cobb, Copeland, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Duer, Garrett, Harrill, Hillis, Hobbs, Ivy, Kisber, Lawson, McAfee, Miller, Moore, Murray, Rhinehart, Robinson (Hamilton), Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Winningham, Wix, Wolfe, Wood and Work--38.

Representatives present and not voting were: Moody, Turner, L. (Shelby) and Whitson--3.

Mr. Rhinehart moved that Senate Bill No. 790 be rejected.

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Mr. Robinson (Davidson) moved that the motion be tabled, which motion prevailed by the following vote:

Ayes . . . . .	52
Noes . . . . .	41
Present and not voting . . . . .	1

Representatives voting aye were: Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Sumner), Collier, Covington, Crain, Dills, Drew, Ellis, Frensley, Gaia, Gill, Hassell, Hawkins, Henry, Hurley, Huskey, Jones, Kent, Kernell, King, Love, May, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Naifeh, Nance, Napier, Patterson, Peroulas, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Turner, B. (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams and Yelton--52.

Representatives voting no were: Bell, Bewley, Chiles, Clark (Davidson), Cobb, Copeland, Cross, Curlee, Darnell, Davidson, Davis (Cooke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Garrett, Harrill, Hillis, Hobbs, Ivy, Jared, Kisber, Lawson, McAfee, Moody, Murray, Pruitt, Rhinehart, Robinson (Hamilton), Shirley, Stafford, Stallings, Starnes, Tanner, Winningham, Wix, Wolfe, Wood and Work--41.

Representative present and not voting was: Swann--1.

Mr. Ivy moved to amend as follows:

**AMENDMENT NO. 24**

Amend Senate Bill No. 790 in Section 3 by adding a new subdivision to subsection (c), as follows:

(c) ( ) The provisions of this subsection shall not apply to one-half ( $1/2$ ) and three-quarter ( $3/4$ ) ton pick-up trucks.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

Mr. Henry moved that Amendment No. 24 be tabled, which motion failed by the following vote:

Ayes . . . . .	39
Noes . . . . .	51
Present and not voting . . . . .	3

Representatives voting aye were: Brewer, Byrd, Chiles, Cobb, Cross, Darnell, Davidson, Davis (Knox), DeBerry, Dixon, Ellis, Frensley, Gill, Harrill, Hassell, Hawkins, Henry, Huskey, Jones, Kent, Kisber, May, McCroskey, McNally, Miller, Montgomery, Nance, Peroulas, Pruitt, Scruggs, Stafford, Stallings, Swann, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West and Williams--39.



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Representatives voting no were: Bell, Bewley, Buck, Burnett, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Curlee, Davis (Cocke), Davis (Gibson), DePriest, Dills, Drew, Duer, Gaia, Garrett, Hillis, Hobbs, Hurley, Ivy, Jared, Kernell, King, Lawson, Love, McAfee, Moore, Murphy, Murray, Napier, Patterson, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Starnes, Turner, B. (Hamilton), Webb, Wheeler, Winningham, Wix, Wolfe, Wood, Work and Yelton--51.

Representatives present and not voting were: Bragg, Naifeh and Whitson--3.

Thereupon, Amendment No. 24 failed by the following vote:

Ayes . . . . .	43
Noes . . . . .	45

Representatives voting aye were: Bell, Bewley, Buck, Burnett, Clark (Davidson), Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Duer, Garrett, Harrill, Hillis, Hobbs, Hurley, Huskey, Ivy, Lawson, Moore, Murphy, Murray, Pruitt, Rhinehart, Robinson (Washington), Shirley, Stafford, Stallings, Starnes, Tanner, Webb, Wheeler, Whitson, Winningham, Wix, Wolfe, Work and Yelton--43.

Representatives voting no were: Bivens, Bragg, Brewer, Byrd, Clark (Sumner), Cobb, Covington, Darnell, Dills, Dixon, Drew, Ellis, Frensley, Gaia, Gill, Hassell, Hawkings, Henry, Jones, Kent, Kernell, King, Kisber, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Naifeh, Nance, Napier, Patterson, Peroulas, Scruggs, Severance, Swann, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Williams and Wood--45.

Mr. Ivy moved to amend as follows:

**AMENDMENT NO. 25**

Amend Senate Bill No. 790 in Section 3 by adding a new subdivision to subsection (c), as follows:

(c)( ) The provisions of this subsection shall apply only to the operator and all passengers occupying the front seat of a passenger motor vehicle.

Amendment No. 25 was adopted by the following vote:

Ayes . . . . .	47
Noes . . . . .	38

Representatives voting aye were: Bell, Bewley, Buck, Chiles, Clark (Davidson), Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dills, Garrett, Harrill, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kisber, Lawson,

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Murphy, Murray, Naifeh, Pruitt, Rhinehart, Robinson (Hamilton), Robinson (Wash), Severance, Shirley, Stafford, Stallings, Starnes, Tanner, Webb, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Work and Yelton--47.

Representatives voting no were: Bivens, Brewer, Byrd, Clark (Sumner), Cobb, Collier, Covington, Drew, Duer, Ellis, Frensley, Gaia, Gill, Hassell, Hawkins, Henry, Jones, Kent, Kernell, King, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Nance, Napier, Patterson, Peroulas, Scruggs, Swann, Turner, B. (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery and West--38.

Mr. Swann moved to amend as follows:

**AMENDMENT NO. 26**

Amend Senate Bill No. 790 by inserting the following language as an appropriately numbered, new section:

**SECTION \_\_\_\_.**

(a) The provisions of this act shall cease to be effective and are hereby repealed effective June 30, 1990.

(b) On or before July 1, 1989, the division of state audit in the office of the comptroller of the treasury shall complete a review and evaluation of the implementation, impact, and efficacy of this act and shall deliver the findings of such review and evaluation to the senate and house government operations committees. Such review shall include, but not be limited to, the affect of such subsection on motor vehicle safety, insurance rates, and accident fatalities. On or before December 31, 1989, the senate and house government operations committee shall jointly conduct at least one public hearing on the findings of such review and evaluation and shall make recommendations to the general assembly as to whether the provisions of this act should be repealed on June 30, 1990, as provided by subsection (a) of this section.

Amendment No. 26 was adopted by the following vote:

Ayes . . . . .	83
Noes . . . . .	3

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Drew, Duer, Ellis, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart,

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Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood and Yelton--83.

Representatives voting no were: Chiles, Cobb and Henry--3.

Mr. Stafford moved to amend as follows:

### AMENDMENT NO. 27

Amend Senate Bill No. 790 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall be null and void if the United States Secretary of Transportation does not include Tennessee within the population necessary to prevent the requirement that air bags be required in motor vehicles pursuant to federal regulations.

Mr. Henry moved that Amendment No. 27 be tabled, which motion failed by the following vote:

Ayes . . . . .	41
Noes . . . . .	49
Present and not voting . . . . .	1

Representatives voting aye were: Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Sumner), Cobb, Collier, Darnell, Drew, Ellis, Frensley, Hassell, Hawkins, Henry, Huskey, Kent, King, Love, May, McCroskey, McNally, Montgomery, Naifeh, Nance, Napier, Patterson, Peroulas, Robinson (David), Robinson (Wash), Scruggs, Severance, Swann, Turner, B. (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Williams and Yelton--41.

Representatives voting no were: Bell, Bewley, Chiles, Copeland, Covington, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Gaia, Garrett, Gill, Harrill, Hillis, Hobbs, Hurley, Ivy, Jared, Jones, Kernell, Kisber, Lawson, McAfee, Miller, Moody, Moore, Murphy, Murray, Pruitt, Rhinehart, Robinson (Hamilton), Stafford, Stallings, Tanner, West, Wheeler, Whitson, Wix, Wolfe, Wood and Work--49.

Representative present and not voting was: Clark (Davidson)--1.

Thereupon, Amendment No. 27 was adopted by the following vote:

Ayes . . . . .	48
Noes . . . . .	43

Representatives voting aye were: Bell, Chiles, Clark (Davidson), Copeland, Covington, Crain, Cross, Curlee, Davidson, Davis (Cocke),

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Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Frensley, Garrett, Gill, Harrill, Hillis, Hobbs, Hurley, Ivy, Jared, Kisber, Lawson, McAfee, Miller, Moody, Moore, Murphy, Murray, Pruitt, Rhinehart, Robinson (Hamilton), Shirley, Stafford, Stallings, Starnes, Tanner, West, Wheeler, Winningham, Wolfe, Wood and Work--48.

Representatives voting no were: Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Sumner), Cobb, Collier, Darnell, Drew, Ellis, Gaia, Hassell, Hawkins, Henry, Huskey, Kent, Kernell, King, Love, May, McCroskey, McNally, Montgomery, Naifeh, Nance, Napier, Patterson, Peroulas, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Swann, Turner, B. (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Whitson, Williams and Yelton--43.

Mr. Lawson moved to amend as follows:

### AMENDMENT NO. 28

Amend Senate Bill No. 790 by deleting the last section in its entirety and by substituting instead the following:

Notwithstanding any other provisions of this act to the contrary, each and every section of this act shall take effect upon becoming a law, the public welfare requiring it.

Mr. Robinson (Davidson) moved that Amendment No. 28 be tabled, which motion failed by the following vote:

Ayes . . . . .	41
Noes . . . . .	50

Representatives voting aye were: Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Clark (Sumner), Cobb, Collier, DeBerry, Ellis, Frensley, Hassell, Hawkins, Henry, Hurley, Kent, Kernell, Kisber, Love, May, McCroskey, McNally, Montgomery, Murphy, Naifeh, Nance, Napeir, Patterson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Tanner, Turner (Hamilton), Turner, L. (Shelby), Webb, Wheeler, Whitson, Williams and Yelton--41.

Representatives voting no were: Bell, Byrd, Chiles, Clark (Davidson), Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis, (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Dixon, Drew, Duer, Gaia, Garrett, Gill, Harrill, Hillis, Hobbs, Huskey, Ivy, Jared, Lawson, McAfee, Miller, Moody, Moore, Murray, Peroulas, Pruitt, Rhinehart, Robinson (Hamilton), Shirley, Stafford, Stallings, Starnes, Turner, C. (Shelby), Ussery, West, Winningham, Wix, Wolfe, Wood and Work--50.

Thereupon, Amendment No. 28 was adopted by the following vote:

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Ayes . . . . .	53
Noes . . . . .	38
Present and not voting . . . . .	2

Representatives voting aye were: Bell, Byrd, Chiles, Clark (Davidson), Cobb, Copeland, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Gaia, Garrett, Gill, Harrill, Hawkins, Hillis, Hobbs, Huskey, Ivy, Jared, Jones, Lawson, McAfee, Miller, Moody, Moore, Murray, Peroulas, Pruitt, Rhinehart, Robinson (Hamilton), Severance, Shirley, Stafford, Stallings, Starnes, Turner, C. (Shelby), Turner, L. (Shelby), West, Winningham, Wix, Wolfe, Wood and Work--53.

Representatives voting no were: Bewley, Bivens, Brewer, Buck, Burnett, Clark (Sumner), Collier, Ellis, Frensley, Hassell, Henry, Hurley, Kent, Kernell, King, Kisber, Love, May, McCroskey, McNally, Montgomery, Murphy, Naifeh, Nance, Napier, Patterson, Robinson (Davidson), Robinson (Washington), Scruggs, Tanner, Turner, B. (Hamilton), Ussery, Webb, Wheeler, Whitson, Williams and Yelton--38.

Representatives present and not voting were: Bragg and Swann--2.

Mr. Stallings moved to amend as follows:

**AMENDMENT NO. 29**

Amend Senate Bill No. 790 in Section 3 by adding a new subdivision to subsection (c), as follows:

(c) ( ) The provisions of this subsection shall not apply to vans.

Mr. Clark (Sumner) moved that Amendment No. 29 be tabled, which motion prevailed by the following vote:

Ayes . . . . .	51
Noes . . . . .	40
Present and not voting . . . . .	1

Representatives voting aye were: Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Sumner), Cobb, Collier, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Gill, Hassell, Hawkins, Henry, Jones, Kent, Kernell, King, Kisber, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Murphy, Naifeh, Nance, Napier, Patterson, Peroulas, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Swann, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Williams, Work and Yelton--51

Representatives voting no were: Bell, Chiles, Clark (Davidson), Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Garrett,

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Harrill, Hillis, Hobbs, Hurley, Huskey, Ivy, Lawson, Moody, Moore, Murray, Pruitt, Rhinehart, Robinson (Hamilton), Shirley, Stafford, Stallings, Starnes, Tanner, Wheeler, Winningham, Wix, Wolfe, Wood and Work--40.

Representative present and not voting was: Whitson--1.

Mr. Speaker McWherter resumed the Chair.

Mr. Lawson moved to amend as follows:

### AMENDMENT NO. 30

Amend Senate Bill No. 790 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not be construed to relieve the manufacturer of any product regulated pursuant to the provisions of this act from any liability concerning such product which existed prior to the effective date of this act nor shall any criminal or civil liability for such product be construed to be waived by any provisions of this act.

Mr. Murray moved to amend Amendment No. 30 as follows:

### AMENDMENT NO. 1 TO AMENDMENT NO. 30

Amend Amendment No. 30 by adding an additional sentence which reads as follows:

"This shall not be construed as establishing, or creating, strict liability on the part of the manufacturer"

On motion, Amendment No. 1 to Amendment No. 30 was adopted.

Thereupon, Amendment No. 30, as amended, was adopted by the following vote:

Ayes . . . . .	90
Noes . . . . .	0
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley,

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Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work and Yelton --90.

Representative present and not voting was: Robinson (Hamilton) --1.

Mr. Hobbs moved to amend as follows:

**AMENDMENT NO. 31**

Amend Senate Bill No. 790 by deleting the section containing the effective date and substituting the following:

SECTION \_\_. This act shall take effect January 1, 1987, only if this act has been approved in a referendum conducted in accordance with the provisions of this section at the November 1986 General Election.

This act shall have no effect unless it is approved by a majority of the number of qualified voters of the state voting in an election on the question of whether or not the act should be approved. The ballots used in the regular election to be held in November 1986 shall have printed on them the following question:

"ARE YOU IN FAVOR OF A TENNESSEE LAW REQUIRING DRIVERS AND PASSENGERS IN A MOTOR VEHICLE TO WEAR SEAT BELTS WHEN THAT VEHICLE IS BEING OPERATED?"

YES

NO

The votes cast on the question shall be canvassed and the results proclaimed by the county election commissions and certified by them to the secretary of state as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act. The cost of the election shall be paid by the state.

Mr. McNally moved that Amendment No. 31 be tabled, which motion failed by the following vote:

Ayes . . . . .	45
Noes . . . . .	47
Present and not voting . . . . .	1

Representatives voting aye were: Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Sumner), Collier, Crain, Dills, Dixon, Frensley,

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Gaia, Hassell, Henry, Jones, Kent, Kernell, King, Kisber, Love, May, McAfee, McCroskey, McNally, Montgomery, Murphy, Naifeh, Nance, Napier, Patterson, Peroulas, Robinson (Davidson), Robinson (Washington), Scruggs, Swann, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Williams, Wood and Yelton--45.

Representatives voting no were: Bell, Bewley, Chiles, Clark (Davidson), Cobb, Copeland, Covington, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Ellis, Garrett, Gill, Harrill, Hawkins, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Lawson, Miller, Moody, Moore, Murray, Pruitt, Rhinehart, Robinson (Hamilton), Severance, Shirley, Stafford, Stallings, Starnes, Tanner, Wheeler, Whitson, Winningham, Wix, Wolfe and Work--47.

Representative present and not voting was: Duer--1.

Mr. Jared moved the previous question, which motion failed by the following vote:

Ayes . . . . .	52
Noes . . . . .	41

Representatives voting aye were: Bell, Bewley, Chiles, Clark (Davidson), Cobb, Copeland, Covington, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Ellis, Gaia, Garrett, Gill, Harrill, Hawkins, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, King, Kisber, Lawson, McAfee, Miller, Murray, Pruitt, Rhinehart, Robinson (Hamilton), Robinson (Washington), Shirley, Stafford, Stallings, Starnes, Tanner, West, Winningham, Wix, Wolfe, Wood and Work--52.

Representatives voting no were: Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Sumner), Collier, Crain, Drew, Duer, Frensley, Hassell, Henry, Kent, Kernell, Love, May, McCroskey, McNally, Montgomery, Moore, Murphy, Naifeh, Nance, Napier, Patterson, Peroulas, Robinson (Davidson), Scruggs, Severance, Swann, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Wheeler, Whitson, Williams and Yelton--41.

Mr. Clark (Sumner) moved the previous question, which motion prevailed by the following vote:

Ayes . . . . .	89
Noes . . . . .	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, King,



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Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work and Yelton--89.

Representatives voting no were: Brewer and Montgomery--2.

Thereupon, Amendment No. 31 failed by the following vote:

Ayes . . . . .	38
Noes . . . . .	53
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bewley, Chiles, Clark (Davidson), Cobb, Copeland, Covington, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePreist, Duer, Garrett, Harrill, Hillis, Hobbs, Hurley, Ivy, Jared, Lawson, Murray, Robinson (Hamilton), Shirley, Stafford, Stallings, Starnes, Tanner, Webb, Whitson, Winningham, Wix, Wolfe and Work--38.

Representatives voting no were: Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Sumner), Collier, Crain, Dills, Dixon, Drew, Ellis, Frensley, Gaia, Gill, Hassell, Hawkins, Henry, Huskey, Jones, Kent, Kernell, King, Love, May, McAfee, McCroskey, McNally, Montgomery, Moore, Murphy, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Swann, Turner, B. (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Williams, Wood and Yelton--53.

Representative present and not voting was: Kisber--1.

Mr. Davidson moved to amend as follows:

**AMENDMENT NO. 32**

Amend Senate Bill No. 790 by adding the following new section immediately preceding the effective date section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, then all provisions and applications of this act are declared to be invalid and void.

Mr. Burnett moved that Amendment No. 32 be tabled, which motion prevailed by the following vote:

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Ayes . . . . .	52
Noes . . . . .	39
Present and not voting . . . . .	1

Representatives voting aye were: Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Sumner), Collier, Covington, Crain, Dills, Dixon, Drew, Ellis, Frensley, Gaia, Gill, Hassell, Hawkins, Henry, Hurley, Huskey, Jones, Kent, Kernell, King, Love, May, McCroskey, McNally, Montgomery, Moore, Murphy, Naifeh, Nance, Napier, Patterson, Peroulas, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Swann, Turner, B. (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Whitson, Williams and Yelton--52.

Representatives voting no were: Bell, Chiles, Clark (Davidson), Cobb, Copeland, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Duer, Garrett, Harrill, Hillis, Hobbs, Ivy, Kisber, Lawson, McAfee, Moody, Murray, Pruitt, Rhinehart, Robinson (Hamilton), Shirley, Stafford, Stallings, Starnes, Tanner, West, Winningham, Wix, Wolfe, Wood and Work--39.

Representative present and not voting was: Miller--1.

Thereupon, Senate Bill No. 790, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	53
Noes . . . . .	40
Present and not voting . . . . .	2

Representatives voting aye were: Bivens, Bragg, Brewer, Burnett, Byrd, Clark (Sumner), Cobb, Covington, Drew, Ellis, Frensley, Gaia, Gill, Hassell, Henry, Hurley, Huskey, Jones, Kent, Kernell, King, Kisber, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Naifeh, Nance, Napier, Patterson, Peroulas, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Swann, Tanner, Turner, B. (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Wheeler, Whitson, Williams, Wood and Yelton--53.

Representatives voting no were: Bell, Bewley, Buck, Chiles, Clark (Davidson), Collier, Copeland, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Garrett, Harrill, Hawkins, Hillis, Hobbs, Ivy, Jared, Lawson, Murray, Pruitt, Rhinehart, Stafford, Stallings, Starnes, West, Winningham, Wix, Wolfe, Work and Mr. Speaker McWherter--40.

Representatives present and not voting were: Robinson (Hamilton) and Shirley--2.

A motion to reconsider was tabled.

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Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

Mr. Tanner moved that House Bill No. 1871 be placed on the Calendar for Monday, March 31, 1986, which motion prevailed.

House Bill No. 1847--To require certain written notice, teachers.

Mr. Rhinehart moved that House Bill No. 1847 be passed on third and final consideration.

Mr. Cobb moved to amend as follows:

### AMENDMENT NO. 2

Amend House Bill No. 1847 by deleting the amendatory language in SECTION 1 in its entirety and by substituting in lieu thereof the following:

"( ) To require the superintendent of schools to provide written notice to non-tenured teachers of specific reasons for failure of re-election pursuant to the continuing contract law and to provide the teacher an opportunity to file a written rebuttal."

On motion, the amendment was adopted.

Thereupon, House Bill No. 1847, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	52
Noes . . . . .	41

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Burnett, Byrd, Clark (Davidson), Cobb, Covington, Cross, Darnell, Davidson, DeBerry, DePriest, Dixon, Drew, Ellis, Gaia, Garrett, Gill, Hassell, Hillis, Hobbs, Hurley, Ivy, Jared, Kernell, King, Love, May, McNally, Miller, Murphy, Murray, Naifeh, Peroulas, Pruitt, Rhinehart, Robinson (Hamilton), Severance, Shirley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Whitson, Williams, Winningham, Work, Yelton and Mr. Speaker McWherter--52.

Representatives voting no were: Bewley, Buck, Chiles, Clark (Sumner), Collier, Copeland, Crain, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), Dills, Duer, Frensley, Harrill, Hawkins, Henry, Huskey, Jones, Kent, Kisber, Lawson, McAfee, McCroskey, Montgomery, Moody, Moore, Nance, Napier, Patterson, Robinson (Washington), Scruggs, Stafford, Stallings, Starnes, Swann, Tanner, Webb, Wheeler, Wolfe and Wood--41.

A motion to reconsider was tabled.

House Bill No. 1481--To create Foreign Language Institute.

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Mr. Cobb moved that House Bill No. 1481 be passed on third and final consideration

Mr. Cobb moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 1481 by adding new subsections 3 (f) and (g) as follows:

(f) the executive director of the Tennessee Higher Education Commission; and

(g) the commissioner of education

AND FURTHER AMEND by adding the following new Section 7 and renumbering subsequent sections accordingly:

Section 7. The institute shall have such powers as are necessary to fulfill its mandate including but not limited to, the power to contract with colleges and universities to provide foreign language instructional services; to enter into contracts with colleges and universities to provide for the joint appointment of faculty members from colleges and universities at the institute and for institute personnel, including the executive director, at colleges and universities; to enter into contracts with elementary and secondary schools to provide foreign language instructional assistance to such schools and their teachers; and to accept gifts, grants, awards, and other funds from private, or government or other source. The institute shall report annually to the general assembly and the governor.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1481, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	95
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby),

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Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

### **CONSENT CALENDAR**

#### **OBJECTIONS**

Objections were filed to the following bills and resolutions on the Consent Calendar:

Mr. Brewer objected to House Bill No. 1168.

Mr. Miller objected to House Bill No. 1308.

Under the rules, House Bill Nos. 1168 and 1308 were placed at the foot of the Calendar for Monday, March 31, 1986.

### **CONSENT CALENDAR**

House Joint Resolution No. 617--Relative to commending George Connor.

House Joint Resolution No. 616--Relative to memory, Anna Mae McCord.

House Joint Resolution No. 615--Relative to honoring Mary Jane Pendley.

House Joint Resolution No. 614--Relative to honoring Mayor G. W. White.

House Joint Resolution No. 613--Relative to memory, Wirt Gammon.

House Joint Resolution No. 612--Relative to memory, Dr. G. Fox Monroe.

House Joint Resolution No. 608--Relative to honoring Mrs. Alice Foster.

Senate Joint Resolution No. 304--Relative to honoring WAMB Radio.

House Bill No. 2015--To fix compensation, county attorney, Roane County.

On motion, House Bill No. 2015 was made to conform with Senate Bill No. 2016.

On motion, Senate Bill No. 2016, on same subject, was substituted for House Bill No. 2015.

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House Bill No. 2019--To create office county attorney, Madison County.

House Bill No. 2009--To regulate registration, conveyances of property.

House Bill No. 1997--To set terms, municipal officers, Mitchellville.

House Bill No. 1994--To regulate cemeteries, certain counties.

House Bill No. 1980--To amend Charter, Westmoreland.

House Bill No. 1923--To make certain provisions, court jurisdiction.

On motion, House Bill No. 1923 was made to conform with Senate Bill No. 1506.

On motion, Senate Bill No. 1506, on same subject, was substituted for House Bill No. 1923.

House Bill No. 1612--To provide for licensing, nursing home administrators.

On motion, House Bill No. 1612 was made to conform with Senate Bill No. 1592.

On motion, Senate Bill No. 1592, on same subject, was substituted for House Bill No. 1612.

House Bill No. 1482--To make certain provisions, student loan program.

On motion, House Bill No. 1482 was made to conform with Senate Bill No. 1263.

On motion, Senate Bill No. 1263, on same subject, was substituted for House Bill No. 1482.

House Bill No. 1942--To amend Section 67-6-103, Code.

On motion, House Bill No. 1942 was made to conform with Senate Bill No. 1841.

On motion, Senate Bill No. 1841, on same subject, was substituted for House Bill No. 1942.

House Bill No. 1276--To make certain provision, delinquent property taxes.

On motion, House Bill No. 1276 was made to conform with Senate Bill No. 1262.

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On motion, Senate Bill No. 1262, on same subject, was substituted for House Bill No. 1276.

House Bill No. 1602--To regulate appropriations, county legislative bodies.

On motion, House Bill No. 1602 was made to conform with Senate Bill No. 1699.

On motion, Senate Bill No. 1699, on same subject, was substituted for House Bill No. 1602.

House Bill No. 2020--To regulate parking, Maryville.

House Joint Resolution No. 584--Relative to designating the Freed -Hardeman College Highway.

House Bill No. 1626--To authorize municipalities to make agreements, enforcement of ordinance.

On motion, House Bill No. 1626 was made to conform with Senate Bill No. 1211.

On motion, Senate Bill No. 1211, on same subject, was substituted for House Bill No. 1626.

House Bill No. 1849--To enact Transition of Handicapped Children from School to Work.

On motion, House Bill No. 1849 was made to conform with Senate Bill No. 1847.

On motion, Senate Bill No. 1847, on same subject, was substituted for House Bill No. 1849.

House Bill No. 2029--To enact budget and accounting system, Madison County.

House Bill No. 2030--To repeal Chapter 174, Private Acts, 1957.

House Bill No. 2031--To make certain provisions property, assessor, Madison County.

House Bill No. 2032--To regulate certain financial matters, Madison County.

House Bill No. 2033--To provide new Charter, Dresden.

House Bill No. 2035--To provide for road superintendent, Sumner County.

House Bill No. 2037--To establish Highway Commission, Carroll County.

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Mr. Gill moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes . . . . .	93
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winingham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

House Bill No. 1912--To provide for payments of supplements to certain education.

Mr. Cobb moved that House Bill No. 1912 be passed on third and final consideration.

Mr. Cobb moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 1912 by deleting from Section 1 the words "In addition to payments to eligible teachers under the Tennessee foundation program, as provided in Section 49-3-306(5)(C),".

AND FURTHER AMEND by adding a new Section 2 as follows and by renumbering subsequent sections accordingly:

"Section 2. It is the legislative intent that teachers in state departments and special schools shall be eligible for the same career ladder supplements as teachers in local education agencies. Nothing herein shall be construed to grant duplicate supplements to such teachers".

On motion, the amendment was adopted.

Thereupon, House Bill No. 1912, as amended, passed its third and final consideration by the following vote:



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Ayes . . . . .	93
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

Mr. Davis (Gibson) moved that House Bill No. 2023 be placed on the Calendar for Wednesday, April 2, 1986, which motion prevailed.

House Bill No. 1934--To provide for business expansion and development.

Mr. Naifeh moved that House Bill No. 1934 be passed on third and final consideration.

Mr. Naifeh moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 1934 by deleting sections 1 through 22 in their entirety and by substituting instead the following:

SECTION 1. This act shall be added to Tennessee Code Annotated, Title 4, as a new chapter.

SECTION 2. It is found and declared that there exists in the state a great and growing need for technological, industrial, and commercial development and activity to provide and maintain employment and tax revenues in economically depressed areas; that assistance and encouragement of technological, industrial and commercial development to provide and maintain such employment and revenues is an important function of the state; that the availability of financial assistance as well as the availability of industrial loans for small and medium size businesses is an important inducement to technological, industrial and commercial enterprises to locate or remain in economically depressed areas of this state; and, further, that providing state financial assistance for the development of such enterprises in this state will assist in the creation of new jobs, products, technology and

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industry in economically depressed areas of this state, resulting in increased employment and public revenues; and, therefore, the necessity, in the public interest and for the public benefit and good, for the provisions of this act is hereby declared as a matter of legislative determination.

It is in the best public interest of the state to promote the prosperity and general welfare of all citizens by stimulating industrial, technological and commercial growth and expansion by encouraging a larger flow of private investment funds from banks, investment houses, insurance companies and other financial institutions, to help satisfy the need for industrial and employment expansion in economically depressed areas of this state.

It is therefore expressly declared that the provisions of this act and the powers conferred constitute a needed program in the public interest and serve a necessary and valid public purpose for which public money may be expended or invested.

**SECTION 3.** There is hereby created the Tennessee Economic Development Corporation.

**SECTION 4.** As used in this act, unless the context otherwise requires:

(1) "board" means the board of directors of the corporation;

(2) "corporation" means the Tennessee Economic Development Corporation (TEDC);

(3) "enterprise" means a new and emerging small business, expansion of an existing small business or the maintenance of an existing small business which, in the sole discretion of the board of directors of TEDC, will provide for expanded or continued levels of employment which would not be achieved without an infusion of seed capital by TEDC;

(4) "investment" means providing seed capital by TEDC to enterprises in conjunction with a private investor;

(5) "person" means any individual, firm, association, partnership, corporation, joint venture, trust corporation or other legal entities, carrying on business, or proposing to carry on business, within the state;

(6) "seed capital" means any financing that is provided for the development, refinement, and commercialization of an enterprise and other working capital needs;

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(7) "small business" means a business with less than 500 employees and less than seven million dollars (\$7,000,000) in gross annual sales for the most recent two fiscal years. Provided, however, for the purpose of this act the term small business shall be limited to manufacturing, warehouse and distribution facilities and such other non-retail businesses as are determined by the corporation to best achieve the purposes of this act;

(8) "economically depressed area" means any area in this state designated by the corporation as an economically depressed area based on the area's rate of unemployment, average family income or other factor which the board determines to be a reasonable indicator that the area is economically depressed.

SECTION 5. The Tennessee Economic Development Corporation shall be a body, politic and corporate, and a quasi-public instrumentality of the state which shall be deemed to be acting in all respects for the benefit of the people of the state in the performance of essential public functions and shall be deemed to be serving a public purpose and improving and otherwise promoting their health, welfare, and prosperity through the creation of jobs. The TEDC shall be empowered to act on behalf of the state of Tennessee and its people in serving this public purpose for the benefit of the general public. The corporation shall have perpetual succession and shall adopt, amend and repeal by-law, and regulations for the conduct of its affairs.

SECTION 6. (a) The corporation shall be governed and its corporate powers exercised by a board of directors, which shall consist of the governor who may designate the commissioner of economic and community development to serve in his place and four (4) appointed directors.

(b) Upon the effective date of this act the governor shall appoint two (2) directors who shall serve until July 1, 1987 and the speaker of the senate and the speaker of the house of representatives shall each appoint one (1) director who shall also serve until July 1, 1987. After July 1, 1987 the appointed directors shall be appointed by the governor to four (4) year terms. In making the initial appointments, the governor shall designate the term of each director so that there shall be one (1) member's term expiring each year, with initial terms ranging from one (1) year to four (4) years.

(c) At least one (1) appointed director shall be a resident of each grand division.

(d) The appointed directors shall be persons having skills and experience in providing capital to new, innovative businesses, including skill, knowledge and

experience in the areas of the development of technological invention in starting and operating such businesses, in providing professional services to or otherwise working with such businesses, in obtaining and administering grants and contracts from governmental and philanthropic sources, or in industrial mortgage credit, banking, or investment banking, or in business management.

(e) Any person appointed to fill a vacancy in the office of a member of the board shall be appointed in a like manner and shall serve for only the unexpired term of such member. Any member shall be eligible for reappointment. Members shall serve until their successors are appointed and confirmed. Any member may be removed from his appointment by the governor for cause.

(f) The governor shall from time to time designate a member of the board as its chairman. The treasurer of the corporation shall be the Treasurer of the State of Tennessee who shall be the official custodian of all securities, reserves, operating funds and other funds of the corporation and shall administer all funds of the corporation, to the extent not required for investments of seed capital as defined in section 4 of this act, for the benefit of the corporation, in accordance with the provisions of chapter 4, title 9, Tennessee Code Annotated. The board may elect such other officers as it may required.

(g) Three (3) of the directors of the corporation shall constitute a quorum and the affirmative vote of three (3) directors shall be necessary for any action to be taken by the board.

(h) The members of the board shall serve without compensation, but each member shall be entitled to reimbursement for reasonable expenses incurred in the performance of official duties. All reimbursement for travel expenses shall be in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general.

(i) (1) No member or employee of the corporation, during this tenure or for six (6) months thereafter, shall be employed by, hold any paid official relation to, or have any financial interest in any enterprise in which the corporation has as investment.

(2) If any member or employee of the corporation shall have a direct or indirect interest in any other business or contract with the corporation other than those described in subdivision (1), or shall have an ownership interest in any firm, corporation, or other entity having an interest in any

business or contracts with the corporation other than those described in subdivision (1), such interest must be disclosed in writing and set forth in the official minutes of the corporation and such member or employee must refrain from participation in any discussion or activity by the corporation in connection with such business or contract.

(3) If any member or employee fails to comply with the foregoing provisions, such member or employee may, after proper notification and opportunity to be heard, be disqualified from membership with or employment by the corporation by a majority vote of the board of directors and may not be reappointed to or reemployed by the corporation.

(4) In no event shall any failure to comply with this section affect the validity of any contract or obligation made by the corporation under this chapter.

SECTION 7. The purpose of the corporation shall be to create new jobs in Tennessee through the infusion of seed capital, in conjunction with private investors, in enterprises which will increase employment within economically depressed counties, and for this purpose the corporation shall have the following powers:

(1) To have perpetual succession as a body corporate and to adopt by-laws, rules, regulations, policies, and procedures for the regulation of its affairs and conduct of its business;

(2) adopt an official seal;

(3) enter into contracts, agreements and other transactions and execute all instruments necessary or convenient for the carrying on of its business;

(4) apply for the accept grants, loans, advances and contributions from any source of money, property, labor or other things of value, to be held, used and applied for the purposes of this act;

(5) provide and pay for such advisory services and technical assistance and to engage consultants and appraisers as may be necessary or desirable to carry out the purposes of this act;

(6) such other powers necessary to carry out its purposes and exercise the powers expressly granted in this act.

Provided however, the exercise of the foregoing powers shall be in conformance with all other applicable provisions of the law, except to the extent that such other provisions are in conflict.

**SECTION 8.** The board of directors is authorized to request such staff assistance as it may require from the commissioner of economic and community development. The corporation shall be attached to the department of economic and community development for purposes of administration.

**SECTION 9.** The corporation is authorized to make investments of seed capital in enterprises located in economically depressed areas of Tennessee through mortgage loans, the purchase of debt securities of loan agreements. Said mortgage loans, debt securities or loan agreements may be for (1) fixed terms with specific repayment schedules or (2) for indefinite periods with repayment to be made from a percentage of the annual profits of the enterprise. For investments made pursuant to item (2) of this section the method used to determine the profits of the enterprise shall be negotiated by the corporation prior to the corporation's final approval of the investment. Interest rates charged by the corporation shall be set by the corporation to reasonably reflect the rates available for similar types of loans prevailing at the time the loan is made. In addition, in further consideration of the infusion of seed capital, the corporation shall require the enterprise to contribute a percentage of its annual profits to be set by the corporation at not less than five percent (5%) to the corporation. Said contributions, together with all investment income and return of principle, shall be available to the corporation for the purpose of making investments of seed capital as authorized in this act.

The corporation's investment in any one (1) enterprise shall not constitute more than sixty-five percent (65%) of the total seed capital invested in such enterprise. The party providing that portion of the seed capital not provided by the corporation shall be a private investor and shall have no greater security for said investment than the corporation is provided for its investment, and said seed capital shall not be "in kind" but shall constitute a cash investment of seed capital.

Investments of seed capital made by the corporation in an enterprise in addition to the initial investment shall not exceed forty percent (40%) of such additional investment and the party providing that portion of the additional seed capital not provided by the corporation shall be a private investor and shall have no greater security than the corporation is provided for its additional investment and said additional investment of seed capital shall not be "in kind" but shall constitute a cash investment of additional seed capital. The corporation's total investment in any single enterprise shall not exceed five hundred thousand dollars (\$500,000).

**SECTION 10.** Any documentary materials or data made or received by any member or employee of the corporation, to be extent that such material or data consist of trade secrets,

commercial or financial information regarding the operation of any eligible enterprise conducted by an applicant for, or recipient of any form of seed capital investment which the corporation is empowered to render, or regarding the competitive position of such applicant in a particular field or endeavor, shall not be deemed public records; provided, however, that if funds of the corporation are invested in such enterprise, the commercial and financial information, excluding trade secrets, shall be deemed to become a public record of the corporation after the expiration of three (3) years from the date of investment, or, in the case of such information made or received by any member or employee of the corporation after the investment, three (3) years from the date such information was made or received. Any discussion or consideration of such trade secrets or commercial or financial information, may be held by the board, or any subcommittee of the board, in executive sessions closed to the public, notwithstanding the provisions of Tennessee Code Annotated, Title 8, Chapter 44; provided, however, that the purpose of any such executive session shall be set forth in the official minutes of the corporation, and business which is not related to such purpose shall not be transacted, nor shall any vote be taken during such executive sessions.

SECTION 11. The powers enumerated in this act shall be interpreted liberally to effectuate the purposes thereof and shall not be construed as a limitation of powers.

SECTION 12. To the extent that the provisions of this act are inconsistent with the provisions of any general statute or special act or parts thereof, the provisions of this act shall be deemed controlling.

SECTION 13. (a) The corporation shall annually submit to the governor, the speaker of the senate, and the speaker of the house of representatives within ninety (90) days after the end of its fiscal year, a complete and detailed report setting forth its operation and accomplishments.

(b) The corporation shall be subject to examination and audit by the state comptroller of the treasury in the same manner as prescribed for other departments and agencies of the state of Tennessee.

SECTION 14. Any investment, appropriation, or advance made by the state to the corporation shall be repaid by the corporation out of interest or profits received by the corporation from its seed capital investments. Repayment shall be made on a schedule agreed to by the board of directors, the commissioner of finance and administration, the comptroller, and the state treasurer after the corporation has secured adequate reserves to accomplish its purpose.

SECTION 15. Upon dissolution or liquidation of the corporation, all corporate assets shall revert to the general fund of the state of Tennessee.

SECTION 16. There is hereby appropriated to the Tennessee Economic Development Corporation an amount not to exceed \$5,000,000 from treasurer's income in excess of the estimate of such income for the 1985-86 fiscal year as set forth in the 1986-87 Budget Document and such additional appropriations as are made in the general appropriations act.

SECTION 17. The corporation created by this act shall terminate on June 30, 1994, pursuant to the provisions of Tennessee Code Annotated, Title 4, Chapter 29.

SECTION 18. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 19. This act shall take effect July 1, 1986, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1934, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 95

Noes . . . . . 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winingham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

Mr. Naifeh moved that House Bills Nos. 330 and 1453 be placed on the Calendar for Thursday, April 3, 1986, which motion prevailed.

House Bill No. 1661--To make certain provisions, highway rights-of-way.



Mr. Yelton moved that House Bill No. 1661 be passed on third and final consideration.

Mr. Yelton moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 1661 in Section 1 by deleting the amendatory language thereof and substituting the following:

SECTION \_\_\_\_\_. It is the intent of the Tennessee department of transportation to make reasonable efforts to eliminate conditions on highway right-of-way that are hazardous to an adjoining landowner's health, welfare and safety.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1661, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	94
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

A motion to reconsider was tabled.

Mr. Dixon moved that House Bill No. 1459 be placed on the Calendar for Wednesday, April 2, 1986, which motion prevailed.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bill No. 1818; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**THURSDAY, MARCH 27, 1986--84th LEGISLATIVE DAY**

**REPORT OF CHIEF ENGROSSING CLERK**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 1183, 1204, 1288, 1297, 1331, 1392, 1403, 1415, 1498, 1512, 1555, 1685, 1695, 1701, 1818 and 1889; and House Joint Resolutions Nos. 572, 573, 574, 575, 576, 577, 578, 581, 582, 583, 586, 593 and 611; for his action.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill No. 1785; and House Joint Resolutions Nos. 628, 633 and 634; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bills Nos.:

1367--To make certain provisions, liquor licenses;

1742--To provide certain benefits, state employees;

1939--To make certain provisions, sale of beer;

1970--To provide retirement benefits, certain U.T. Extension employees;

1999--To provide for director of grants and planning, Columbia;

2014--To increase property tax rate, Trenton Special School District;

2021--To amend Charter, Greenfield; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**THURSDAY, MARCH 27, 1986—84th LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolutions Nos.:

633--Relative to expressing appreciation, Jane Huey Lee;

634--Relative to congratulating Mrs. Mel Bruce; both concurred in by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**ENGROSSED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1259, 1266, 1707 and 1802; and find same correctly engrossed and ready for transmission to the Senate.

**MARILYN EVELYN HAND,**  
Chief Engrossing Clerk.

**ENROLLED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 1340, 1365, 1636, 1637, 1659, 1674, 1720, 1798, 1916 and 2005; and House Joint Resolutions Nos. 598 and 599 and find same correctly enrolled and ready for the signatures of the Speakers.

**MARILYN EVELYN HAND,**  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: House Bills Nos. 1340, 1365, 1636, 1637, 1659, 1674, 1720, 1798, 1916 and 2005; and House Joint Resolutions Nos. 598 and 599.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bills Nos.:

1174--To regulate service, certain complimentary wine;

1437--To regulate certain collections, tax revenue;

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1587--To make provisions, judges, Courts of General Sessions;

1638--To regulate distribution, fire extinguishers;

1662--To regulate certain election laws;

1802--To make certian provisions, legislative bodies, certain municipalities;

1829--To make certain provisions, mentally incompetent juveniles;

1917--To regulate campaign financial disclosure;

1976--To amend Charter, Bradford;

2003--To regulate Emergency Communications Districts, certain counties; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

274--Relative to study, telephone access, Knoxville; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENROLLED BILLS**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 1367, 1742, 1939, 1970, 1999, 2014 and 2021; and House Joint Resolution No. 633; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: House Bills Nos. 1367, 1742, 1939, 1970, 1999, 2014, and 2021; House Joint Resolution No. 633.

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**MESSAGE FROM THE GOVERNOR**

**MR. SPEAKER:**

I am directed by the Governor to return herewith: House Joint Resolution No. 577, with his approval.

**WILLIAM H. INMAN,**  
Counsel to the Governor.

**ENROLLED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution No. 124; and House Joint Resolution No. 634; and find same correctly enrolled and ready for the signatures of the Speakers.

**MARILYN EVELYN HAND,**  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: House Resolution No. 124; and House Joint Resolution No. 634.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bill No.:

1861--To make procedures, juvenile courts; passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**HOUSE BILL ON SENATE AMENDMENTS**

House Bill No. 1326--To enact AFDC Right to Work and Support Law.

**SENATE AMENDMENT NO. 1**

Amend House Bill No. 1326 by deleting Section 4 in its entirety and substituting in lieu thereof the following language:

**SECTION 4.** This act shall take effect October 1, 1986, the public welfare requiring it.

**SENATE AMENDMENT NO. 2**

Amend House Bill No. 1326 by adding the following new section

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immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The authorization of AFDC and Medicaid services under this act is subject to federal financial participation.

Mr. Cobb moved that the House concur in Senate Amendments Nos. 1 and 2, which motion prevailed by the following vote:

Ayes . . . . .	91
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Duer, Ellis, Frensley, Gill, Harrill, Hassell, Hawkins, Henry, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--91.

A motion to reconsider was tabled.

### **HOUSE BILL ON SENATE AMENDMENTS**

House Bill No. 1540--To provide for roster of licensed auctioneers.

#### **SENATE AMENDMENT NO. 2**

Amend House Bill No. 1540 by deleting Section 1 in its entirety.

#### **SENATE AMENDMENT NO. 3**

Amend House Bill No. 1540 by deleting Section 3, as amended, in its entirety and by substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 62-19-111, is amended by adding the following new subsection:

(p) Auctions for the sale of registered livestock must be conducted by a licensed auctioneer; provided, however, such auctioneer shall be exempt from the responsibilities of issuing closing statements and disbursing funds if such responsibilities are performed by a duly chartered livestock association or livestock breed association.

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**SENATE AMENDMENT NO. 4**

Amend House Bill No. 1540 by deleting in its entirety the section of the bill which reads as follows:

SECTION \_\_. Tennessee Code Annotated, Title 62, Chapter 19, is amended by adding the following language as a new section to be appropriately designated:

SECTION \_\_. An individual licensed by the Tennessee Auctioneer Commission as an auctioneer may be authorized to conduct an auction for the sale of exotic animals not in violation of the law upon a satisfactory demonstration of expertise to the Commission that such auctioneer has experience in conducting or participating in the sale of exotic animals by auction. The Commission shall develop and promulgate by rule the criteria necessary to establish such expertise and the manner in which authorization shall be granted and auction conducted for the sale of exotic animals by auction.

Mr. Collier moved that the House non-concur in Senate Amendments Nos. 2, 3 and 4, which motion prevailed.

**HOUSE BILL ON SENATE AMENDMENT**

House Bill No. 1740--To define "official fees", Retail Installment Sales Act.

**SENATE AMENDMENT NO. 1**

Amend House Bill No. 1740 by inserting the word "such" between "of" and "filing" in paragraph B of subsection 3 of Section 1.

Mr. Tanner moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes . . . . .	92
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb,

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West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

A motion to reconsider was tabled.

### **HOUSE BILL ON SENATE AMENDMENT**

House Bill No. 1806--To regulate suspension of students.

#### **SENATE AMENDMENT NO. 2**

Amend House Bill No. 1806 by deleting in SECTION 1, subsection 5, the following clause:

"at which evidence shall be taken and witnesses subpoenaed and heard upon application of the student or his parents,"

Mr. Whitson moved that the House concur in Senate Amendment No. 2, which motion prevailed by the following vote:

Ayes . . . . .	93
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

### **HOUSE BILL ON SENATE AMENDMENT**

House Bill No. 1819--To amend Title 47, Chapter 24, Code.

#### **SENATE AMENDMENT NO. 1**

Amend House Bill No. 1819 by deleting from Section 2 the words and figures "two hundred and fifty thousand dollars (\$250,000)" and by substituting instead the words and figures "five hundred thousand dollars (\$500,000)."

Mr. Wheeler moved that the House non-concur in Senate Amendment No. 1, which motion prevailed.



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**HOUSE BILL ON SENATE AMENDMENTS**

House Bill No. 1396--To increase fee, distributing obscene material.

**SENATE AMENDMENT NO. 1**

Amend House Bill No. 1396 by deleting Section 4 in its entirety and substituting instead the following new Section 4:

Section 4. Tennessee Code Annotated, Section 39-6-1107 (a) is amended by adding the following new sentence after the first sentence:

Provided, however, in those circumstances wherein probable cause is shown that the alleged violator is a Class B violator, as defined in Tennessee Code Annotated, Section 39-6-1104, then all examples of the alleged obscene materials may be taken into custody.

**SENATE AMENDMENT NO. 2**

Amend House Bill No. 1396 by deleting Section 2 in its entirety and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 39-6-1134(a), is amended by deleting the words and figures "fifty dollars (\$50.00)" and substituting instead the words and figures "two hundred and fifty dollars (\$250.00)".

**SENATE AMENDMENT NO. 3**

Amend House Bill No. 1396 by deleting Section 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-6-1104(d)(1) is amended by deleting the words and figure "sixty (60) days" and substituting instead the words and figures "not less than ninety (90) days nor more than six (6) months and by a fine of not less than two hundred and fifty dollars (\$250) nor more than one thousand dollars (\$1,000)".

Tennessee Code Annotated, Section 39-6-1104, is further amended by deleting the period (.) at the end of subsection (d) (2) and by substituting instead the words and figures "and by a fine not to exceed one thousand dollars (\$1,000)".

**SENATE AMENDMENT NO. 4**

Amend House Bill No. 1396 by deleting subpart (2) of the amendatory language of Section 3 in its entirety and substituting instead the following:

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The sentences imposed in subsection (a) of this section shall be mandatory for a Class B violator.

Mr. Severance moved that the House concur in Senate Amendments Nos. 1, 2, 3 and 4, which motion prevailed by the following vote:

Ayes . . . . .	93
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

### HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 1525--To make certain provisions, tobacco products.

#### SENATE AMENDMENT NO. 1

Amend House Bill No. 1525 in Section 9 by striking the words July 1, 1986 & substitute Jan 1, 1987.

#### SENATE AMENDMENT NO. 2

Amend House Bill No. 1525 by deleting in its entirety Section 3 and renumbering the remaining sections accordingly.

Mr. Wood moved that the House concur in Senate Amendments Nos. 1 and 2, which motion prevailed by the following vote:

Ayes . . . . .	92
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones,

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Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

A motion to reconsider was tabled.

### HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 1582--To prohibit non-renewal of certain chemical risk insurance.

### SENATE AMENDMENT NO. 1

Amend House Bill No. 1582 by adding the following language at the end of Section 6.

"A thirty (30) day notice and extension of policy requirement as outlined above shall be allowed from July 1, 1986, until December 31, 1986. The sixty (60) day notice and extension of policy requirements outlined in this Section shall apply on and after January 1, 1987."

Mr. Clark (Sumner) moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes . . . . .	93
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

Mr. Whitson moved that House Bill No. 2000 be held under unfinished Business until Monday, March 31, 1986, which motion prevailed.

## **THURSDAY, MARCH 27, 1986--84th LEGISLATIVE DAY**

Mr. Wood moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 653 out of order, which motion prevailed.

House Joint Resolution No. 653--Relative to study, television coverage of General Assembly--By Bivens and Wood.

The Speaker referred House Joint Resolution No. 653 to the Committee on Calendar and Rules.

Ms. Hassell moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 316 out of order, which motion prevailed.

Senate Joint Resolution No. 316--Relative to congratulating Christian Brothers High School cheerleaders.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Ms. Hassell, the resolution was concurred in.

A motion to reconsider was tabled.

Ms. Turner (Hamilton) moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 649 out of order, which motion prevailed.

House Joint Resolution No. 649--Relative to study, state aid to handicapped--By Turner (Hamilton), Yelton and McNally.

The Speaker referred House Joint Resolution No. 649 to the Committee on Calendar and Rules.

### **RULES SUSPENDED**

Mr. Tanner moved that the rules be suspended for the purpose of introducing House Bill No. 2053 and passing it on first consideration, which motion prevailed.

### **INTRODUCTION OF BILL**

House Bill No. 2053--To regulate Kenton Special School District --By Tanner.

Passed first consideration.

### **NOTICE PURSUANT TO RULE NO. 58**

Pursuant to Rule No. 58, the sponsor gave notice of his intention to consider the following measure from the Senate on Monday, March 31,

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1986:

House Bill No. 1694

Mr. Rhinehart moved that the rules be suspended to set all messages received from Senate on Monday's Message Calendar, which motion prevailed.

**BILLS RE-REFERRED**

On motion of Mr. Davidson, House Bill No. 428 was recalled from the Committee on Government Operations.

On motion of Mr. Davidson, House Bill No. 428 was re-referred to the Committee on Judiciary.

On motion of Ms. Pruitt, House Joint Resolution No. 600 was recalled from the Committee on Government Operations.

On motion of Ms. Pruitt, House Joint Resolution No. 600 was re-referred to the Committee on General Welfare.

On motion of Mr. Gill, House Bill No. 1960 was recalled from the Committee on Calendar and Rules.

On motion of Mr. Gill, House Bill No. 1960 was re-referred to the Committee on Finance, Ways and Means.

On motion of Ms. Montgomery, House Joint Resolution No. 619 was recalled from the Committee on Government Operations.

On motion of Ms. Montgomery, House Joint Resolution No. 619 was referred to the Committee on General Welfare.

**BILL WITHDRAWN**

On motion of Mr. Yelton, House Bill No. 1664 was recalled from the Committee on General Welfare.

On motion of Mr. Yelton, House Bill No. 1664 was withdrawn from the House.

Mr. Gill moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 313 out of order, which motion prevailed.

Senate Joint Resolution No. 313--Relative to honoring coach Dana Kirk and boys' basketball team.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Gill, the resolution was concurred in.

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A motion to reconsider was tabled.

Ms. DeBerry moved that the rules be suspended for the purpose of introducing House Resolution No. 125 out of order, which motion prevailed.

House Resolution No. 125--Relative to task force created by House Resolution Nos. 74 and 112--By DeBerry.

On motion, the rules were suspended for the immediate consideration of the resolution.

Ms. DeBerry moved that House Resolution No. 125 be adopted, which motion prevailed by the following vote:

Ayes . . . . .	85
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dills, Dixon, Drew, Duer, Frensley, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--85.

A motion to reconsider was tabled.

Mr. Naifeh moved that all bills on Wednesday's Calendar be moved to Thursday, which motion prevailed.

Mr. Work moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 272 out of order, which motion prevailed.

Senate Joint Resolution No. 272--Relative to naming "Ronald W. Moore Memorial Highway."

Mr. Work moved that Senate Joint Resolution No. 272 be concurred in, which motion prevailed by the following vote:

Ayes . . . . .	90
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson,

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Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Frensley, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--90.

A motion to reconsider was tabled.

### RULES SUSPENDED

Mr. Gill moved that the rules be suspended for the purpose of hearing bills in the Committee on Calendar and Rules, which motion prevailed.

### SECOND ROLL CALL

A roll call was taken with the following results:

Present . . . . . 93

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

### INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 622--Relative to urging transfer of certain property--By Stallings.

The Speaker referred House Joint Resolution No. 622 to the Committee on Calendar and Rules.

House Joint Resolution No. 623--Relative to release of particular easement owned by TVA--By Stafford and Henry.

The Speaker referred House Joint Resolution No. 623 to the Committee on State and Local Government.

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House Joint Resolution No. 624--Relative to amending Constitution, sales and use tax--By Kernell.

The Speaker referred House Joint Resolution No. 624 to the Committee on Finance, Ways and Means.

House Joint Resolution No. 625--Relative to commending Gill Gideon--By Harrill and Whitson.

Under the rules, House Joint Resolution No. 625 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 626--Relative to honoring Dr. Byron G. Ragsdale--By Drew.

Under the rules, House Joint Resolution No. 626 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 627--Relative to honoring Gill Gideon--By West, Garrett, Covington, Cobb, Pruitt, Ellis, Love and Robinson (Davidson).

Under the rules, House Joint Resolution No. 627 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 629--Relative to congratulating Brentwood High School marching band.--By Frensley.

Under the rules, House Joint Resolution No. 629 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 630--Relative to honoring Archie Lloyd--By Covington.

Under the rules, House Joint Resolution No. 630 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 631--Relative to honoring Tish Hooker--By Patterson, Wheeler, Bivens, Jared, Murray, DeBerry and Mr. Speaker McWherter.

Under the rules, House Joint Resolution No. 631 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 632--Relative to commending Interim Certification Commission--By Cobb.

Under the rules, House Joint Resolution No. 632 was referred to the Committee on Calendar and Rules.

## **RESOLUTIONS LYING OVER**

Senate Joint Resolution No. 300--Relative to congratulating Dr. Winston Thaxton.



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Under the rules, Senate Joint Resolution No. 300 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 306--Relative to honoring Perry County High School basketball team.

Under the rules, Senate Joint Resolution No. 306 was referred to the Committee on Calendar and Rules.

### **INTRODUCTION OF BILLS**

House Bill No. 2049--To amend Charter, Manchester--By Curlee.

Passed first consideration.

House Bill No. 2050--To set compensation, mayor and aldermen, Brownsville--By Crain.

Passed first consideration.

House Bill No. 2051--To regulate garbage collection, Hamilton County--By Copeland and Wood.

Passed first consideration.

House Bill No. 2052--To define boundaries, Gibson County School District--By Davis (Gibson).

Passed first consideration.

### **SENATE BILLS ON FIRST CONSIDERATION**

Senate Bill No. 1507--To regulate conversion, group insurance.

Passed first consideration.

Senate Bill No. 1675--To regulate practice of dentistry.

Passed first consideration.

Senate Bill No. 1756--To extend use, telephone network, certain students.

Passed first consideration.

### **HOUSE BILLS ON SECOND CONSIDERATION**

House Bill No. 2038--To authorize bond issue, improving Highway 64.

Passed second consideration and referred to Committee on Transportation.

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House Bill No. 2039--To amend Amusement Ride and Attraction Safety Insurance Act.

Passed second consideration and referred to Committee on Finance, Ways and Means.

House Bill No. 2040--To make provisions, Board of Education, Overton County.

Passed second consideration and held without reference.

House Bill No. 2041--To amend Charter, Oneida.

Passed second consideration and held without reference.

House Bill No. 2042--To amend Charter, Portland.

Passed second consideration and held without reference.

House Bill No. 2043--To revise and codify general and public statutes.

Passed second consideration and referred to Committee on Judiciary.

House Bill No. 2044--To regulate coon dog training, Tipton County.

Passed second consideration and referred to Committee on Conservation and Environment.

House Bill No. 2045--To set qualifications Chief administrative officers, certain counties.

Passed second consideration and referred to Committee on Transportation.

House Bill No. 2046--To regulate development, Milan.

Passed second consideration and held without reference.

House Bill No. 2047--To exempt certain amusements, business tax.

Passed second consideration and referred to Committee on Commerce.

House Bill No. 2048--To amend Chapter 54, Public Acts, 1985.

Passed second consideration and referred to Committee on Finance, Ways and Means.

**REPORTS OF STANDING COMMITTEES**

**GENERAL WELFARE**

**MR. SPEAKER:** Your Committee on General Welfare begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1521 (with amendment), 1702, 1723 (with amendment), 1833 (with amendment), 1837 (with amendment), 1955 (with amendment); House Joint Resolutions Nos. 509 (with amendment) and 533 (with amendment); and further recommend that pursuant to House Rule No. 70, House Bills Nos. 1521, 1723, 1833, 1837 and 1955 be referred to the Committee on Finance, Ways and Means.

**STARNES, Chairman.**

Under the rules, House Bills Nos. 1702 and House Joint Resolutions Nos. 509 and 533 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 70,, the Speaker referred House Bills Nos. 1521, 1723, 1833, 1837 and 1955 to the Committee on Finance, Ways and Means.

**JUDICIARY**

**MR. SPEAKER:** Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 948 (with amendment), 1154 (with amendment), 1553 (with amendment), 1828 (with amendment), 1851 (with amendment) and 1860; and further recommend that pursuant to House Rule No. 70, House Bills Nos. 1154, 1828 and 1860 be referred to the Committee on Finance, Ways and Means.

**MURPHY, Chairman.**

Under the rules, House Bills Nos. 948, 1553, and 1851 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 70, the Speaker referred House Bills Nos. 1154, 1828 and 1860 to the Committee on Finance, Ways and Means.

**TRANSPORTATION**

**MR. SPEAKER:** Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1152, 1388 (with amendment), 1418 (with amendment), 1653, 1770 (with amendment), 1773, 1789 (with amendment), 1951, 2026 (with amendment) and House Joint Resolution No. 560; and further recommend that pursuant to House Rule No. 70, House Bills Nos. 1388, 1653, 1770, 1773, 1951 and 2026 be referred to the Committee on Finance, Ways and Means.

**ROBINSON (Davidson), Chairman.**

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Under the rules, House Bills Nos. 1152 and 1418, and House Joint Resolution No. 560 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 70, the Speaker referred House Bills Nos. 1388, 1653, 1770, 1773, 1951 and 2026 to the Committee on Finance, Ways and Means.

### **FINANCE, WAYS AND MEANS**

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 145 (with amendment), 864 (with amendment), 1209 (with amendment), 1222 (with amendment), 1230, 1232, 1412, 1494 (with amendment), 1623 (with amendment), 1736, 1743 (with amendment), 1760 (with amendment), 1811, 1881 (with amendment), 1883 (with amendment), 1947 (with amendment), 1962 (with amendment), 2011, 2012, and House Joint Resolutions Nos. 497 and 609.

BRAGG, Chairman.

Under the rules, House Bills Nos. 145, 864, 1209, 1222, 1230, 1232, 1412, 1494, 1623, 1736, 1743, 1760, 1811, 1881, 1883, 1947, 1962, 2011, 2012 and House Joint Resolutions Nos. 497 and 609 were transmitted to the Committee on Calendar and Rules.

### **FINANCE, WAYS AND MEANS**

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 604, 1154, 1374, 1479 (with amendment), 1605, 1644, 1650, 1716 (with amendment), 1782 (with amendment), 1828 and 1837 (with amendment).

BRAGG, Chairman.

Under the rules, House Bills Nos. 604, 1154, 1374, 1479, 1605, 1644, 1650, 1716, 1782, 1828 and 1837 were transmitted to the Committee on Calendar and Rules.

### **REPORT OF COMMITTEE ON CALENDAR AND RULES**

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Monday, March 31, 1986: House Bill No. 1712, Senate Bill No. 1210, House Bills Nos. 1601, 1281, 1229, House Resolution No. 102, House Bill No. 1322, House Joint Resolution No. 250, House Bills Nos. 1580, 1824, 1316, 1718, 1933, 1620, 1434, 1815, 1829, 1211, 1882, 1529, 1945, 1796, 1751, 1914, 1797, 1654, 1488, 1484, 1855, 1486, 1790, 1852, 1893, 1776, 1670, 1532, 1625, 2024, 1966, 1911 and 1619.

GILL, Chairman.

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**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1625--Webb, Scruggs, Burnett, Bewley, Peroulas, Rhinehart, Murray, Naifeh, Kent and Wheeler

House Bill No. 1838--Miller

House Bill No. 685--Covington

House Bill No. 864--Yelton

House Bill No. 1233--Wheeler

House Bill No. 1418--Brewer

House Bill No. 1453--Darnell

House Bill No. 1463--Yelton

House Bill No. 1600--Love

House Bill No. 1605--Ivy

House Bill No. 1625--Tanner, Covington, Brewer, Dixon, Chiles, Murphy and Cross

House Bill No. 1707--Darnell

House Bill No. 1725--Drew

House Bill No. 1741--Severance, Turner (Hamilton), Hobbs, Ivy

House Bill No. 1750--Love

House Bill No. 1776--Love

House Bill No. 1778--Love, Peroulas, Turner (Hamilton)

House Bill No. 1848--Turner (Hamilton), Peroulas, Love, Darnell

House Bill No. 1934--Love

House Bill No. 2024--Love

House Joint Resolution No. 250--Patterson and Brewer

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**REPORT OF DELAYED BILLS COMMITTEE**

The undersigned members of the Delayed Bills Committee have approved the following bill: House Bill No. 2048.

Ned R. McWherter

Jimmy Naifeh

James M. Henry

**LOCAL BILLS REFERRED TO CALENDAR AND RULES**

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 2040, 2041, 2042, 2046, 2003, 2016 and 2017.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

**CONSENT CALENDAR**

Mr. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Monday, March 31, 1986: House Bills Nos. 1750, 1854, 1487, 1485, 1681, 1682, 1563; House Joint Resolution No. 496, House Bills Nos. 1175, 1336, 1436, 1508, 2013, 1721; House Joint Resolutions Nos. 595, 562, 609, 607, 629, 626, 630, 631, 632, Senate Joint Resolutions Nos. 300, 306; and House Bills Nos. 2040, 2041, 2042, 2046, 2003, 2016 and 2017.

GILL, Chairman.

**ENGROSSED BILLS**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1246, 1251, 1335, 1413, 1481, 1661, 1741, 1778, 1847, 1848, 1898, 1903, 1912, 1934, 1980, 1993, 1994, 1997, 2009, 2019, 2020, 2029, 2030, 2031, 2032, 2033, 2035 and 2037; and House Joint Resolutions Nos. 584, 608, 612, 613, 614, 615, 616 and 617; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

On motion of Mr. Naifeh the House adjourned until 2:00 p.m., Monday, March 31, 1986.